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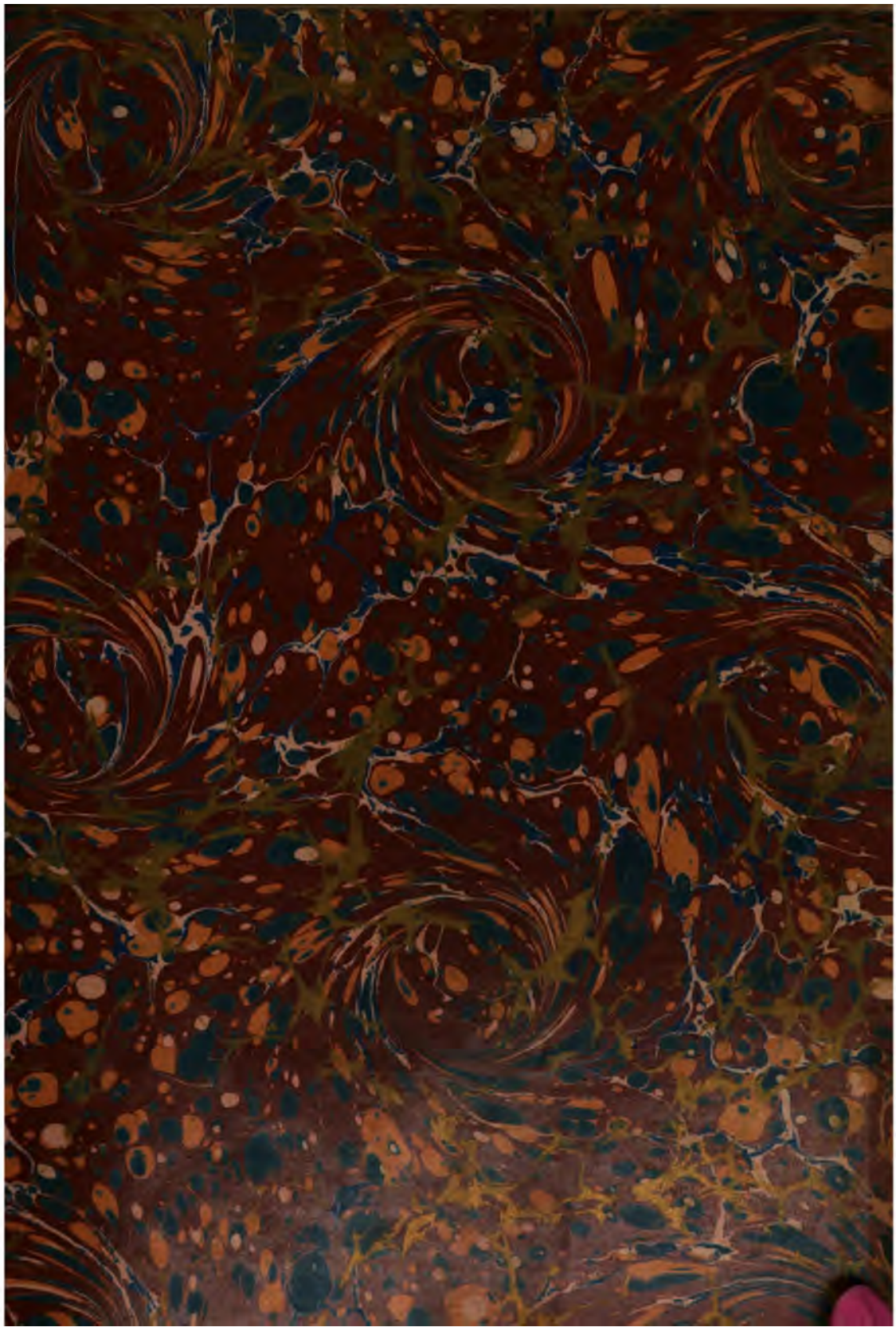

MEMOIR

OF

ALEXANDER SETON

Chancelier Séguier

MEMOIR

MEMOIR

OF

ALEXANDER SETON

EARL OF DUNFERMLINE

PRESIDENT OF THE COURT OF SESSION, AND
CHANCELLOR OF SCOTLAND

WITH

AN APPENDIX

CONTAINING A LIST OF THE VARIOUS PRESIDENTS OF THE COURT,
AND GENEALOGICAL TABLES OF THE LEGAL FAMILIES OF
ERSKINE, HOPE, DALRYMPLE, AND DUNDAS

BY

GEORGE SETON, ADVOCATE
M.A. OXON., ETC.

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PREFACE.

FOR many years, the author has been contemplating the publication of a Work relative to the Presidents of the Court of Session, and he has already collected a good deal of illustrative matter. By way of experiment, he has prepared the following Memoir of Alexander Seton, Earl of Dunfermline, who occupied the President's chair from 1593 to 1605, when he was promoted to the office of Lord Chancellor. He has been advised to print the Memoir as a specimen of the proposed mode of treatment; and in the event of its being favourably received, he may perhaps be induced to undertake the issue of the entire series of Biographies. He may state, however, that most of the Memoirs—especially those of Seton's six pre-

decessors in the office of President—would be comparatively brief.

Antiquarian Biography has somewhere been pronounced to be "at once the most laborious and most unreadable kind of writing." The author can honestly state that he has done his best to give a human interest to his narrative, but it must rest with his readers to say to what extent his efforts have been successful. He at least ventures to hope that his little Work will not be regarded in the same light as one of D'Alembert's learned productions, which the poet Gray described as being "dry as a bone, hard as a stone, and cold as a cucumber!"

Prefixed to the Memoir is a short account of the institution of the Court of Session, while the Appendix contains a list of the Presidents to the present time, and genealogical tables illustrative of the four principal legal families of Scotland.

The author has much pleasure in gratefully acknowledging the help and information which he has obtained from the following gentlemen: Mr Dickson, Curator of the Historical Department, H.M. General Register House; Messrs Burnett and Stodart of the Lyon Office; Mr

Clark, Keeper of the Advocates' Library; Mr Adam, City Chamberlain; Mr James R. Lyell, Searcher of Records; the Rev. A. J. Milne, Minister of Fyvie; Mr George Robertson, Keeper of Dunfermline Abbey; Mr P. B. Swinton of Gifford; and Mr William Kelly, F.S.A., Ivy Lodge, Leicester. He elsewhere refers to the courtesy of the Marquesses of Salisbury and Tweeddale, in having placed at his disposal certain letters and portraits of the subject of the Memoir.

St Bennet's, Edinburgh,
12th May 1882.

Chancellor Seton's Book-Stamp.

CONTENTS.

INTRODUCTORY.

PAGE

Attempts of James I. to establish a Court of civil jurisdiction—Subsequent efforts of James II. and James IV.—Institution of Court of Session by James V.—His zeal for the administration of justice—Influence of Sir David Lindsay—Character and accomplishments of the King—His premature death—Early Acts of Sederunt—Constitution of the Court of Session—The Lord Chancellor—The President originally an ecclesiastic—His mode of election and precedency—Salary and official residence—"The Fifteen"—Ordinary and Extraordinary Lords—Titles of Scotch Judges—The first four Presidents chosen from the spiritual side—William Baillie of Provand (Seton's predecessor) the first Lay President, ... 1

CHAPTER I.

BIRTH, EDUCATION, AND CALL TO THE BAR—1555-1585.

The House of Seton—Its legal members—Birth and parentage of Alexander Seton—Cause of his father's marriage—Issue of the union—A "godbairne gift"—Seton's early training at Rome—Oration *de Ascensione Domini*—Change of contemplated profession—Legal studies in France—"Public lesson" at Holyrood, ... 15

CHAPTER II.

ELEVATION TO THE BENCH AND THE PEERAGE—1586-1599.

An Extraordinary Lord as Prior of Pluscarden—Royal grant of the priory lands—An Ordinary Lord under title of Urquhart—Suspi-

cions regarding his Popish tendencies—His designations in the Court Sederunts—Visit to Paisley—Elected President in 1593—Dispute about the Honours—Appointed one of the Octavians—Convention of Estates at Falkland—Case of David Black, minister of St Andrews—The President summoned before the Synod of Lothian—Scene at the Tolbooth—Elected Provost of Edinburgh—Letter to the King from the minister of Kilconquhar—Character of the writer—Spirited proof of the President's independence as a Judge—The Voyage to the Isles—Pont's dedication of his "Newe Treatise" to the President—"Reverend" and "Notably," . . 21

CHAPTER III.

Judicial Career continued—1600–1604.

Seton's opposition to the proposed invasion of England—Created Lord Fyvie in 1598—Gowrie Conspiracy—House of Ruthven—President's brother, Lord Seton, advanced to the Earldom of Winton—Peaceful condition of Scotland—Approach of the accession—Claims of James VI.—Death of Queen Elizabeth—Sir Robert Carey's ride—The King's departure for England — Encounters Lord Winton's funeral at Seton—Enters London—The Royal children and their custodiers — Prince Charles intrusted to President Seton — The King's letter to Prince Henry—Lord Fyvie's correspondence with Cecil—National prejudices—The "Bonny Scot"—Origin of a well-known proverb—Lord Fyvie's reports of Prince Charles's health—His appeal for the due maintenance of the College of Justice—Appointed Vice-Chancellor—Question of the Union—Accompanies Prince Charles to Leicester—A banquet and its results—Delivers the Prince to the King—Important Acts of Sederunt, . . 41

CHAPTER IV.

Promoted to the Office of Chancellor, and advanced to an Earldom—1605–1609.

Lord Fyvie sent as a Commissioner to London—Promoted to the office of Chancellor—Letter to Cecil from Whitehall—Returns to Scotland—Correspondence with the King—Created Earl of Dunfermline—Friendship between Seton and Cecil—Minute by the latter—Characteristic letter to the King—Street fight in Edinburgh—*Facta non*

verba—Letters to the King and English Chancellor relative to the plague — Lord Dunfermline's domestic affliction — The rebellious ministers—Accusations against Lord Dunfermline—His indignant letter to the King—Mr John Forbes and the Aberdeen Assembly —Street broil in St Johnstoun—"Decreet of Ranking"—The "Red" Parliament—Anniversary of the Gowrie Conspiracy—Dumbarton bulwark—Christmas of 1606 kept in Edinburgh—Lord Dunfermline's correspondence with the King in 1607-8—Disordered state of the Highlands—Good services of the Chancellor's "forbears," and and his own devotion to the Crown—Earl of Dunbar's visit to Edinburgh—The Chancellor's denial of intrigues with the Queen—Preceptory of St Anthony—Resigns the office of Provost of Edinburgh—Excerpts from the city accounts—Torches for the Lord Provost—Payments for wine, etc.—The Auchindrane Tragedy—Highland malefactors—Doctors Goodwin and Milwaird—The Chancellor's juvenile epigram to the King—Lord Dunbar's successful administration of the Borders, ... 63

CHAPTER V.

CONTINUATION OF CHANCELLORSHIP—1610-1616.

Case of Sir Henry Yelverton—Robes of the Chancellor and Lords of Session—Dunfermline race-bell—Horse-racing in Scotland—Lord Dunbar again visits Edinburgh—Capture of pirates in Orkney—Death of Lord Dunbar—Sir Robert Melville's laudation of Lord Dunfermline—He goes to the English Court—Appointed custodier of Holyrood — His offices connected with Dunfermline — Crucifix scandal in 1612—Suppression of the Clan Gregor—Lord Dunfermline appointed King's Commissioner—Death of Prince Henry—Elegies and Lamentations—Lord Dunfermline's correspondence with John Murray, "gentleman of the bedchamber"—Application for a new "poolke" for the Great Seal—His correspondent's "bedfellow" —The "kittell" laird of Skelmorlie—Meteorological epistle—Disturbance in Orkney—Question of the Eglinton honours—"Greysteel"—Letters to the King and Murray—Successful settlement of the business—Spanish vessel in Firth of Forth—Disturbance at Burntisland—Rebellion of the Clan Donald—Alleged intrigue of the Chancellor—Further correspondence with Murray—Domestic obstacles to his journey to London—The Archbishops' oaths of allegiance—Royal missive relative to the Scotch collieries—Lord

Sanquhar's favourable opinion of the Chancellor — Visit to the metropolis—Marquess of Huntly "warded" in Edinburgh Castle—Episode in the family of Bemersyde—Proposed trial by combat, . 94

CHAPTER VI.

Closing Years—1617–1621.

Convention of the Estates—Excitement in Edinburgh regarding the celebration of the Communion—Napier's dedication of his "Rabdologiæ" to the Chancellor—King's visit to Scotland in 1617—Sermon in Seton Church—Chancellor's letter to the King after his return to London—Royal visit to the Court of Session—Dunfermline House, Elgin—Renewal of the High Commission—Case of the Edinburgh burgesses—Mr Robert Bruce "delated" to the King—Defence of the Palatinate—Lord Dunfermline's appeal on behalf of Dr Archibald Hamilton—His curious letter to Sir Robert Kerr—The prospect of death — Parliament of 1621 — The Chancellor's harangue — The "grandchildren of Scotland"—The "Five Articles" of Perth—Bruce summoned before the Council, ... 120

CHAPTER VII.

Death and Burial—1622.

Illness and death of the Chancellor—Relative letters from Earl and Countess of Mar—Formal intimation by Privy Council—Earl of Melros and Sir Thomas Henryson to John Murray—Acknowledgment of Lord Dunfermline's public services—Burial at Dalgety—Account of the ceremony—His Fifeshire estate—Dalgety Church — Opening of the Dunfermline vault in 1822 — John Lyoun's "Teares"—Lord Dunfermline's successor as Chancellor—His successful claim of precedency, ... 135

CHAPTER VIII.

Marriages and Descendants.

Lord Dunfermline's three marriages and issue—His children's baptismal entries—Hay and Seton intermarriages—The Chancellor's "letter-will"—His son and successor, the second Earl—Testament and inventory—Appointment of tutors—Provision for his unmarried daughters—Excerpts from the inventory—Jewels and other valu-

ables—Plate, library, and wardrobe—Scotstarvet's account of the second Earl of Dunfermline—The Chancellor's widow, Countess of Calendar—The second Earl's active share in public affairs—Sympathy with the Covenanters—Patronage of Rev. Andrew Donaldson—Statutory acknowledgment of the second Earl's services—Bishop Guthry's statement—Third and fourth Earls—The latter with Dundee at Killiecrankie—Title forfeited in 1690—Representation of the family, ... 150

CHAPTER IX.

ARCHITECTURAL AND HERALDIC SKILL.

The Chancellor's skill in Architecture and Heraldry—Edifices erected by the Setons—Fyvie Castle—Its noble features and proportions—Bacon's "perfect palace"—Markets and fairs at Fyvie—"Mill o' Tiftie's Annie"—The Heraldry of Fyvie—Communion cup and stained glass—Pinkie House—Description of the structure—Inscriptions, devices, and monograms—Previous and subsequent owners, . 169

CHAPTER X.

CHARACTER AND QUALIFICATIONS.

Seton's early promise and rapid promotion—A royal favourite—His numerous offices, honours, and possessions—Estimates of Spottiswood and Calderwood—Tributes of Dempster, Crawfurd, Tytler, etc.—Latin Epigrams composed by Seton—Lines in Lesley's History of Scotland—Verses inscribed to Queen Mary—Epigram in Skene's "Regiam Majestatem"—Epitaphs at Seton and Dunfermline—Culture of the family of Seton—Lord Lindsay on the influence of the Chancellor—His versatility—Patronage of sport and pastimes—Character of James VI.—His successful administration—Execution of Queen Mary—Superstition of the period—Witchcraft—The King's personal courage—His pedantry productive of learning—His able counsellors—Quaintness of Seton's correspondence—Partially unintelligible to the rising generation—Examples of puzzling passages—Laudatory tone of his letters to the King—His classical allusions—Homely simplicity of his epistles—His likeness as a boy, by Sir Antonio More—Portrait by F. Zuccaro at Yester—Summary of his character and qualifications, ... 179

ADDENDUM RELATIVE TO THE CUSTODY OF PRINCE CHARLES, . . 199

APPENDIX.

No. I. List of the Lord Presidents of the Court of Session from 1532 to the present time, ... 201

No. II. Genealogical Tables illustrative of the four principal Legal Families of Scotland :—

1. Erskine.
2. Hope.
3. Dalrymple.
4. Dundas.

Index, ... 203

ILLUSTRATIONS.

I. Chancellor Seton, ... *Frontispiece*

II. George, seventh Lord Seton, and his Family, *To face page* 16

III. Signatures of Chancellor Seton, . . " 66

IV. Old Dalgety Church, ... " 146

V. Fyvie Castle, ... " 170

VI. Seals of Chancellor Seton, . . . " 174

VII. Pinkie House, ... " 176

VIII. The Chancellor's Book-Stamp, . . . " viii

MEMOIR OF ALEXANDER SETON.

INTRODUCTORY.

AS early as the year 1425, an attempt was made by James I. of Scotland to establish a Court of supreme Civil Jurisdiction. It was ordained that the Chancellor, along with certain discreet persons chosen from the Three Estates, should sit three times yearly in a Court, known by the name of "The Session," at whatever place the sovereign might appoint, for the examination and decision of all complaints, causes, and quarrels that could be determined before the King's Council. The first Session was appointed to be held the day after the feast of St Michael the Archangel, the second on the Monday of the first week of Lent, and the third on the morning preceding the feast of St John the Baptist.[1] Some thirty years later, the Parliament of James II. enacted that the Lords of the Session should sit thrice a year, forty days at a time, in Edinburgh, Perth, and Aberdeen. "The noumer of the persons that sall sit sall be

[1] 1425, c. 65.

nine, of ilk estate three."[1] Early in the sixteenth century —*temp.* James IV.—a Parliament assembled at Edinburgh ordained that "thair be ane consale chosen be the kingis hienes quhilk sal sit continually in Edinburgh, or quhar the king makes residence, or quhar it plesis him, to decide all manner of summondis in civile maters, complaints, and causes, daily, as thai sal happen to occur, and sal have the same power as the Lords of Session."[2] The main object of this Court of daily council was to relieve the Lords of Session from the confusion and pressure which had resulted from the accumulation of causes, and thus afford immediate redress to litigants.

These various attempts to secure a satisfactory administration of justice appear to have signally failed. Each successive Parliament appointed a judicial committee, or "Dominos ad causas et querelas," who decided cases in the first instance, besides exercising an appellate jurisdiction. One enactment provided "that all summondis and causis that is left undecidit in this Parliament sal be decidit before the Lords of Counsaile, the summondis standing as they now do;" and accordingly, it not unfrequently happened that causes which commenced in the one court had to be disposed of in the other. At length, however, the functions of these two judicial bodies were united in the Court of Session—formally designated "The Lords of Counsell and Sessioun"—established by James V. in 1532.[3]

[1] 1457, c. 61. [2] 1503, c. 58.

[3] In the year 1868, a painted window, illustrative of the institution of the Court of Session, designed by M. von Kaulbach and executed by Chevalier

The relative statute enacts that "our Soverane is maist desyrous to have ane permanent ordour of justice for the universale wele of all his lieges, and tharfor tendis to institute ane College of cunning and wise men, baith of spiritual and temporal estate, for the doing and administracioun of justice in all civil actions, and tharfor thinkis to be chosin certane persones maist convenient and qualifit therefor, to the nowmer of xiiii persones, half spiritual half temporal, with ane president. . . . Providing alwayis that my Lord Chancelar, being present in this toun (Edinburgh) or uthr place, he sall have voit and be principale of the said Counsell, and sic uthr Lordis as sall pleise the Kingis Grace to enjoyne to thaim of his gret Counsell, to have voit siclik to the nomer of thrie or foure."[1] On attaining the age of twenty-five, James V. ratified the act of institution, and ordained "that the said College and institution thereof remain perpetualie for the administracione of justice

Ainmiller, both of Munich, was erected in the Parliament House, under the superintendence of her Majesty's Board of Works. Among other figures, the picture embraces the youthful monarch James V. enthroned; Dunbar, Archbishop of Glasgow and Chancellor of Scotland, with his hand raised in benediction; Alexander Myln, Abbot of Cambuskenneth, first President of the Court, kneeling before the King; Sir Adam Otterburn, Provost of Edinburgh; Nicolas Crawford of Oxengangs, Justice Clerk; and Sir James Foulis of Colinton, Lord Clerk Register. The armorial bearings of the first 18 Presidents occupy the upper, and those of the last 11, the lower portion of the window, in chronological order. In the case of Myln and Preston, in the absence of evidence as to their armorial position, *monograms* have been substituted. The royal arms of Scotland and the escutcheon of the Faculty of Advocates are also introduced into the lower compartment. The contract price of the window, including £600 to M. von Kaulbach for the cartoon, amounted to £2000.

[1] 1532, c. 2.

to all the lieges of the realme. And to be honurit siclik as ony uther College of Justice in uther realmes."[1]

While the first idea of the new Court is generally supposed to have been suggested by the Parliament of Paris, the influence of the Papal See on its constitution is also universally acknowledged—such terms as "Senators," "Advocates," and "College of Justice" being manifestly derived from Rome. Its establishment was warmly encouraged by the Duke of Albany, as well as by Gavin Dunbar, Archbishop of. Glasgow, one of the young King's most gifted preceptors, who then held the office of Chancellor.[2] Son of the chivalric and accomplished James IV.,[3] and father of the brilliant but unfortunate Mary, the founder of the Court of Session was only twenty-one years of age at the time of its institution. Nineteen years had passed since the fatal field of Flodden, when—

"The Flowers of the Forest were a' wede awa'"—

---

[1] 1540, c. 93.

[2] In alluding to the institution of the "Collegium judicum Edimburgi," Buchanan makes the following statement: "Omnium civium bona quindecim hominum arbitrio sunt commissa, quibus et perpetua est potestas, et imperium plane tyrannicum, quippe quorum arbitria sola sunt pro legibus." Ruddiman, however, besides citing a very different estimate by Bishop Lesley, thus comments upon Buchanan's judgment: "Injusta prorsus ac amplissimo senatorum ordine indigna vox: nusquam enim terrarum gravior sanctiorque judicum consessus, nusquam disertiores legumque peritiores caussarum patroni, nusquam majori cum æquabilitate jus dicitur."—*Buchanani Opera*, curante Thoma Ruddimanno, i. 495.

[3] A most graphic account of the moral, intellectual, and physical qualifications of James IV. will be found in a letter from the Prothonotary Don Pedro de Ayala to Ferdinand and Isabella, dated 25th July 1498.—Bergenroth's Calendar of Letters, etc., in the archives at Simancas and elsewhere, 1862.

and the country was only beginning to recover from the effects of that great national disaster. Owing to his zeal for the administration of justice among all classes of the community, it was the practice of the "King of the Commons" to disguise himself and familiarly mingle with the humblest of his subjects. On one of these occasions, an amusing adventure at the foot of the Ochil Hills led to the youthful monarch's assumption of the *sobriquet* of "The Gudeman of Ballangeich," in connection with his subsequent reception, at Stirling Castle, of a peasant who had entertained him unawares.[1] "The dangers of the wilderness," says Pinkerton, "the gloom of the night, the tempests of winter, could not prevent his patient exertions to protect the helpless, to punish the guilty, and to enforce the observance of laws. From horseback he often pronounced decrees worthy of the sagest seat of justice; and if overtaken by night, in the progresses which he made through his kingdom, or separated by design or by accident from his company, he would share the meal of the lowest peasant with as hearty a relish as the feast of his highest noble." In the same strain, an earlier historian writes as follows: "About this tyme (1525) the King past south to Edinburgh, and held justice aires, quhair manie plaintes cam to him of reiff, slauchter, and oppressioun, bot litle justice was vsed bot the purs, for thair was manie in that countrie war the earle of Angus' kin and freindis, that gott favourable justice, quhairof the King was not content, nor

[1] See Tytler's Lives of Scottish Worthies, iii. 262.

non of the rest of the lordis that war about him, for they wold have justice equallie vsed to all men." [1]

It may be reasonably supposed that the "manly, grave, and sage" Sir David Lindsay exercised a highly beneficial influence upon the character of James V. In his earliest poem, "The Dreme," he touchingly refers to the watchful care with which he tended his royal charge :—

> "Quhen thow wes young, I bure thee in myne arme
> Full tenderlie, tyll thow begouth to gang ;
> And in thy bed oft happit thee full warme,
> With lute in hand syne sweitlie to thee sang :
> Sumtyme, in dansing, feiralie I flang ;
> And sumtyme, playand farsis on the flure ;
> And sumtyme, on myne office takkand cure."

In a letter to the Earl of Surrey, written in 1522—when the king was only eleven years of age—the queen-mother says : "There is not a wiser child, or a better-hearted, or a more able ;" while Surrey himself, in writing to Wolsey, declares of James that "he speaks sure for so young a thing." As he advanced towards manhood, the development of his character continued to be marked by many very promising features. According to the English ambassadors, he displayed a spirit and firmness quite above his age ; a good horseman, he skilfully tilted at the glove, and delighted in hawks and hounds, and other manly pursuits ; sang with power and precision ; danced with elegance ; and did credit to another of his instructors already referred to —the accomplished Gavin Dunbar—by the common-sense and intelligence which he exhibited. At the early age of

[1] Pitscottie's Cronicles of Scotland, ii. 319.

sixteen, after the untoward dismissal of Lindsay and the other members of his personal household, he contrived, by a vigorous and spontaneous effort, to crush the baneful domination of Angus and the House of Douglas, which had been steadily encouraged by his crafty uncle, Henry Tudor. The early loss of James's first queen—the beautiful Princess Magdalen—was very soon followed by a second union with another daughter of France, to which country the king was now compelled to look for assistance. That auspicious event, however, was destined to be followed, at no very distant date, by no fewer than three conspiracies against the king's life, the death of his two infant sons, and the disgraceful rout at Solway Moss. The brave and spirited monarch was plunged by these accumulated misfortunes into a state of gloomy despondency, which led to his death from a broken heart, at his palace of Falkland, in the thirty-first year of his age (1542), ten years after the institution of the "College of Justice," and only a few days after the birth of the daughter, whose romantic career forms one of the most deeply interesting episodes in the picturesque annals of Scotland.

The first "Act of Sederunt" of the Court of Session, passed in the year of its institution, embraces the following among other curious provisions:—

"*Item*, That settis be honestlie maid and couerit with grene claith, flokkit, on the Kingis expensis, quhar the Lordis sall sit; and salbe maid ane burd quadrangulare or rownd, about the quhilk thair may sit xviij personis eselie; and that thair be maid sett aboun sett, and ane bell to be hungin, to call in masaris, or parteis, as the Lordis requiris.

"*Item*, That all the Lordis sall entre in the Tolbuth and Counsalhous, at viij houris in the mornyng dayly, and sall sit quhil xi houris be strikin.

. . . . . .

"*Item*, That the Lordis beand sittin done, and billis begune to be red, that silence be had amangis the Lordis; and that na man commone or speke of ony mater, nor round wyth his merrow [*whisper with his fellow*], bot as he salbe requirit and sperit at be the Chancellar, or President; and as thai command ony twa Lordis of the seitt to argone or dispute ony mater, that nane vthir interrup thame quhill thai haue done, and then the Chancellar, or President, to requir ony vthir to argone the mater; and when thai haue done, giff thai be ony vthir of the Lordis that hes ony opiniyone or argument to mak, at thai ask leiff fra the Chancellar, or President, and than to argone as thai think expedient.

. . . . . .

"*Item*, It is statute and deuisit, that thair be ane certane nomer of Aduocatis and Procuratouris, to the nomer of tene personis, that salbe callit Generale Procuratouris of the Counsall, of best name, knawledge, and experience, admittit to procure in all actionis, of quhame the namys heirefter followis, that is to say, Maister Robert Galbraith, Maister Robert Leslie, Maister Henry Spittall, Maister Johne Lethane, Maister Henre Lauder, Maister Thomas Kyncragy, Maister Thomas Margerebankis, Maister William Johnestoun; and giff ony vtheris cunniyne and able men will desyr to be admittit to the office of aduocatioun and procuratioun, thai salbe ressauit with the aviss of the saidis Lordis for completting of the said nomer, and that thir foresaidis Procuratouris procure for euery man for thair waigis, bot giff thai haue ressonable excuss.[1]"

In the same year (1532) other Acts were passed with reference to the "speciall honour and mantenance of the

[1] In 1548, nine other advocates were similarly chosen; and in 1604, fifteen advocates were specially "appointit for the Inner-hous."

Lordis of Sessioun," and for their exemption from taxes and military service; while provision was also made respecting the administration of justice during the "feriate tyme of harvist." In 1555, detailed regulations were framed regarding the various sessions and vacations; and in 1609, conform to the king's letter produced by Chancellor Seton, the lords, *inter alia*, "ordained the Yule vacance to be and continue from the 24th December to the 6th January *inclusivé*."

As already indicated, the "College of Justice" consisted of the Lord Chancellor, the Lord President, fourteen Ordinary Lords, and an indefinite number of supernumerary judges, styled "Extraordinary Lords." The last Chancellor of Scotland was James Ogilvie, Earl of Seafield, who, notwithstanding the provision in the 24th article of Union, that there should in future be only one great seal for the United Kingdom, was reappointed Chancellor of that part of Great Britain called Scotland, an office which seemed incompatible with that of Lord Chancellor of Great Britain. Lord Seafield continued to preside as head of the College of Justice, and to sign the interlocutors of the Court, on the strength of his anomalous dignity, long after the great seal of the United Kingdom had been intrusted to the custody of an English nobleman.

Although, in the statute establishing the Court of Session, nothing is said as to whether the President should be chosen from the spiritual or temporal side of the bench, it appears to be clear from the bull of approbation of Paul III. that it was intended that he should always be an eccle-

siastic. This arrangement was accordingly carried out until after the Reformation, but the practice was abrogated by Act of Parliament in 1579.[1] The earlier Presidents appear to have been appointed directly by the King and the Three Estates. At the election of Sir James Balfour (the sixth President) in 1567, express mention is made of the *votes* of the Lords, in the abstract of the act of his admission; and twelve years later a statute was passed in terms of which the choice of the President was vested in the "hail senators," who accordingly exercised their right of election at the appointment of Alexander Seton in 1593. This mode of election was followed till the middle of the seventeenth century; but on the restoration of the Court of Session by Charles II. in 1661—after an interruption of nearly eleven years—the President (Sir John Gilmour of Craigmillar) was nominated directly by the King; and since that time the appointment has always been made by the Crown. At the same date, the precedency of the

[1] In alluding to the promotion of the clergy by James V. to the higher offices in the State, Tytler says: "Nor are we to wonder at the preference evinced by the monarch, when it is considered that in learning, talents, and acquaintance with the management of public affairs, the superiority of the spiritual over the temporal estate was decided."—History of Scotland, v. 237.

Sir David Lindsay, however, in his "Complaynt to the King," very pointedly objects to the prelates of the Kirk—

> "Tayking in realmes the governall,
> Baith gyding Court and Sessioun,
> Contrar to thair professioun;
> . . . . . .
> Quhy sulde they mell with Court or Sessioun,
> Except it war in spirituall thyngis?
> Referryng unto Lordis and Kingis
> Temporall causis to be decydit."

Lord President was settled by a statute, which declared that he should rank before the Lord Clerk Register, the Lord Advocate, and the Treasurer-Depute.[1]

The salary of the Lord President was long the same as that of each of his fourteen brother judges; but in respect of the dignity and importance of his office, a supplementary allowance was added by the Crown to the remuneration, which in the time of Sir George Lockhart of Carnwath (1686-9) amounted to £700 sterling. In 1708 the salary was advanced to £1000, to £2000 in 1786, to £3000 in 1799, and reached its present amount—£4800—in 1839. For many years, the President possessed a house in Edinburgh free of rent—a privilege which was first conferred by the Corporation in 1676, in consequence of the many good offices rendered to the community by the then President, Sir James Dalrymple, afterwards Viscount Stair.

[1] On the 18th of November 1729, the Lord President (Sir Hew Dalrymple) produced a letter addressed to the Court of Session by Queen Caroline, Guardian of the Kingdom, in which it was declared that "the President of his Majesty's College of Justice shall have the first place, and on all occasions shall take rank and have precedency of the Chief Baron of his Majesty's Exchequer in Scotland; and the said Chief Baron shall continue to take rank and have precedency of the remanent senators of the said College of Justice; and the remanent senators and Barons of Exchequer shall take place of each other, according to the date of their commission or appointment to their respective offices."—Nisbet's System of Heraldry, II. iv. 171. The last remnant of the Scottish Court of Exchequer was abolished in 1856. The office of Justice-General, the head of the Scottish Justiciary (or Criminal) Court, was formerly a sinecure—the last *nominal* holder of the appointment having been James, third Duke of Montrose, at whose death, in 1836, the duties were transferred to the Lord President of the Court of Session. The precedency of the Justice-General is discussed by Sir George Mackenzie in his well-known treatise on Precedency, published in 1680.

This immunity was renounced by President Forbes of Culloden (1737-48), and has not been reclaimed by any of his successors.

The number of the senators of the College of Justice—fourteen Ordinary Lords and a President, frequently spoken of as "The Fifteen"[1]—continued unaltered for nearly 300 years, having been reduced to *thirteen* (the existing staff) in the year 1830.[2] The distinction of spiritual and temporal judges provided by the act of institution was long very carefully preserved, but was eventually ordered to be "suppressed and forgotten" by the Act 1640, c. 53, in terms of which the senators were required to be wholly temporal. The limited power of nominating the "Extraordinary" Lords, authorised by the Statute of 1532, was speedily abused by the Crown, as many as seven or eight noblemen being frequently added to the staff of Ordinary judges; but in 1617, James VI. promised, in a letter to the Court, that in future there should be only four Extraordinary Lords. In 1723 it was enacted[3] that any vacancy

[1] "A weel-kenn'd plea; it has been four times in afore *the fifteen*, and deil onything the wisest o' them could mak o't, but just to send it out again to the Outer House. O it's a beautiful thing to see how lang and how carefully justice is considered in this country!"—The Antiquary, chapter II.

[2] 1 Gul. IV. c. 69. The Justice-Clerk, as the designation indicates, was originally merely the clerk of the Justiciar's office; but he became, after the Restoration, a recognised judge in the Criminal Court. Till the beginning of the eighteenth century, he was only on one or two occasions a judge of the Court of Session, in which, however, he had no pre-eminence until 1808. By the Act of 48 Geo. III. c. 151, by which the Court was separated into two Divisions, it was provided that the Lord Justice-Clerk should preside in the Second Division, and he now ranks immediately after the Lord President.

[3] 10 Geo. I. c. 19.

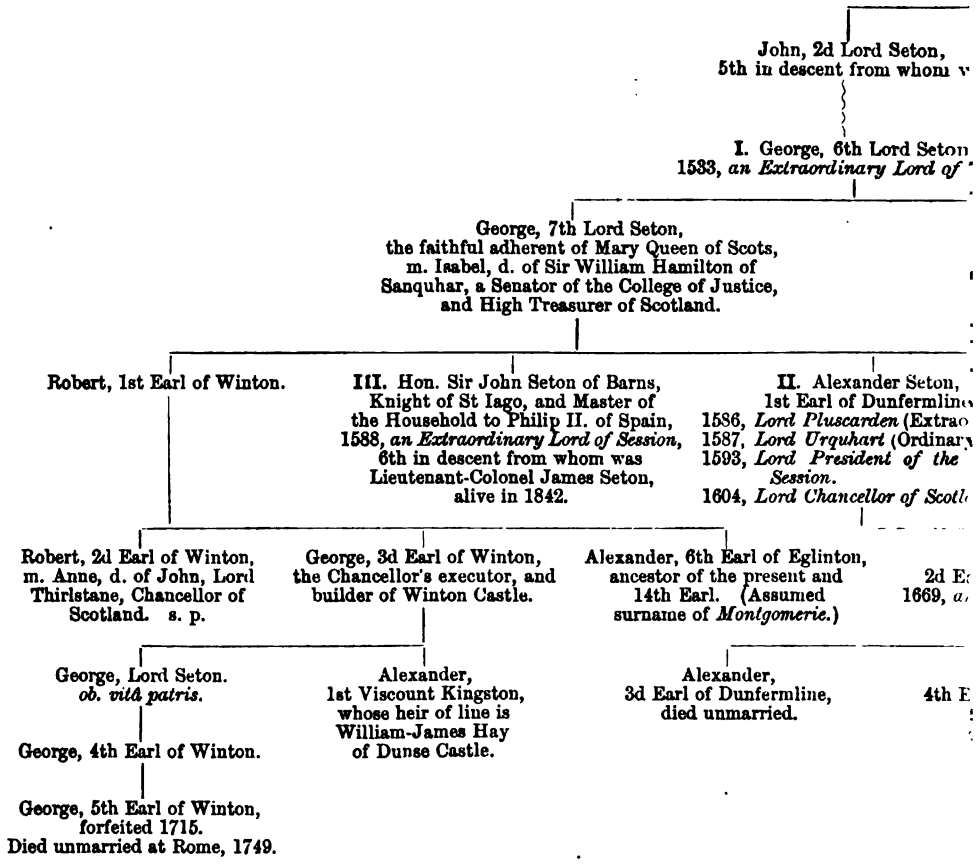
which might thereafter occur among the Extraordinary Lords was not to be filled up by the Crown; and accordingly the office expired in the person of John, fourth Marquess of Tweeddale, who died in 1762. No emolument was attached to the office of Extraordinary Lord.

It has long been the practice for Scottish judges to be distinguished by the title of "Lord" prefixed to their judicial designation, which is frequently territorial. "It is the usual custom in North Britain," says the English compiler of a Scottish Peerage in 1756, "sprung from a singular affectation, to give all judges, though commoners, the appellation of Lords, deriving their titles from the town or place where they live—as Lord Strichen, Lord Kilkerran, Lord Woodhall, etc.; but as they are no part of the Peerage, and should only be called Lords in their office, as the judges are in South Britain, it was needful to insert this remark, lest the good people of England make a dangerous mistake, and imagine the Scots Peerage to be inexhaustible." The wives of these official dignitaries do not share in their husbands' honours, being only described as plain "mistresses," with the addition of the marital surname. It appears, however, that the ladies were not always contented with such an inconsistent arrangement. Sir Walter Scott informs us that their pretensions to title were repelled by James V., the founder of the Court of Session. "I made the carles Lords," he said, "but who the devil made the carlines Ladies?"[1]

[1] Redgauntlet, i. 274, *note*. The wives of archbishops and bishops in England are in a still more anomalous position, and are quaintly compared by Selden, in his Table Talk, to a "Monkey's Clog."

The first four Presidents of the Court of Session were chosen from the spiritual side—viz., (1532) Alexander Myln, Abbot of Cambuskenneth, and author of the 'Lives of the Bishops of Dunkeld';[1] (1549) Robert Reid, Bishop of Orkney, and the originator of the foundation of the University of Edinburgh; (1558) Henry Sinclair, Bishop of Ross, second son of Sir Oliver Sinclair of Roslin; and (1565) John Sinclair, Bishop of Brechin, younger brother of Henry, who officiated at the marriage of Mary and Darnley. The first *lay* President was (1566) William Baillie of Provand, "of the House of Lamington"—John Sinclair's successor — who was deposed by the Regent Murray, shortly after his appointment, on the pretext of his not being a prelate, to make way for (1567) Sir James Balfour of Pittendriech, Parson of Flisk, who is described by Knox as "blasphemous Balfour," and by Robertson the historian as "the most corrupt man of his age." On the removal of Balfour, in the course of the following year, Baillie again took possession of the President's chair, which he continued to occupy till his death on the 26th of May 1593.

[1] Bannatyne Club, 1823-31.


John, 2d Lord Seton,
5th in descent from whom v
I. George, 6th Lord Seton
1533, an Extraordinary Lord of
George, 7th Lord Seton,
the faithful adherent of Mary Queen of Scots,
m. Isabel, d. of Sir William Hamilton of
Sanquhar, a Senator of the College of Justice,
and High Treasurer of Scotland.
Robert, 1st Earl of Winton.
III. Hon. Sir John Seton of Barns,
Knight of St Iago, and Master of
the Household to Philip II. of Spain,
1588, an Extraordinary Lord of Session,
6th in descent from whom was
Lieutenant-Colonel James Seton,
alive in 1842.
II. Alexander Seton,
1st Earl of Dunfermlin
1586, Lord Pluscarden (Extrao
1587, Lord Urquhart (Ordinary
1593, Lord President of the
Session.
1604, Lord Chancellor of Scotl
Robert, 2d Earl of Winton,
m. Anne, d. of John, Lord
Thirlstane, Chancellor of
Scotland. s. p.
George, 3d Earl of Winton,
the Chancellor's executor, and
builder of Winton Castle.
Alexander, 6th Earl of Eglinton,
ancestor of the present and
14th Earl. (Assumed
surname of Montgomerie.)
2d E
1669, a
George, Lord Seton.
ob. vitâ patris.
Alexander,
1st Viscount Kingston,
whose heir of line is
William-James Hay
of Dunse Castle.
Alexander,
3d Earl of Dunfermline,
died unmarried.
4th E
George, 4th Earl of Winton.
George, 5th Earl of Winton,
forfeited 1715.
Died unmarried at Rome, 1749.
William

ALEXANDER SETON.

CHAPTER I.

BIRTH, EDUCATION, AND CALL TO THE BAR.

1555–1585.

THE vacancy in the office of President of the Court of Session, caused by the death of William Baillie of Provand in 1593, was filled by the appointment of a man who was destined to occupy an important position in the councils of the kingdom. The "House" to which he belonged had for centuries made its mark in the national annals, and already possessed the honourable characteristic of unshaken attachment to the throne, which was first conspicuously displayed in support of Robert Bruce on the field of Methven. It had hitherto been more distinguished in warfare than in civil pursuits; but in the course of the sixteenth and seventeenth centuries, six of its members found their way to the Scottish bench.[1] Of these, the most

[1] Three Extraordinary and three Ordinary Lords—viz., 1. George, sixth Lord

illustrious became President Baillie's successor in the person of Alexander Seton, third surviving son of George, seventh Lord Seton—the "truest friend" of Mary Stuart—by Isabel, daughter of Sir William Hamilton of Sorn and Sanquhar, High Treasurer of Scotland. The date of Alexander Seton's birth is pretty accurately ascertained from the specification of the ages in the picture of the seventh Lord Seton and his family, by Sir Antonio More, badly engraved in Pinkerton's 'Scottish Gallery,' where Lord Seton ("G. S.") is described as thirty-nine, and his son Alexander ("A. S.") as fourteen. Lord Seton died in

Seton, 1533. 2. Alexander Seton, his grandson, the subject of this Memoir. 3. Sir John Seton of Barns, 1588, an elder brother of the preceding. 4. Alexander Seton of Gargunnock, Lord Kilcreuch, 1626 (knighted by Charles I. at Holyrood seven years afterwards), second son of James Seton of Touch, and ancestor of Sir Bruce-Maxwell Seton of Abercorn, Bart. At the election of Sir Robert Spotswoode to the office of President in 1633, Lord Kilcreuch was "nominated and made choice of along with him to be upon the leetis of the said office." 5. Charles Seton, second Earl of Dunfermline, 1669, son of No. 2. 6. Sir Alexander Seton, Bart., Lord Pitmedden, 1677, ancestor of Sir James-Lumsden Seton, Bart. Lord Pitmedden was removed from the bench in 1686, on account of his refusal to concur in James VII.'s proposed repeal of the penal laws. His own curious account of his deposition is quoted by Lord Hailes in the Notes on his Catalogue of the Lords of Session. Lord Fountainhall observes that, "in the Parliament of 1686, of all the judges, Pitmedden only, like Athanasius, opposed the Court." According to Wodrow, he possessed an extensive and curious library. He published an edition of Sir George Mackenzie's Law of Scotland in Matters Criminal, to which he annexed a treatise on Mutilation and Demembration.

In his History of Scottish Writers, Dempster refers to a William Seton, Regius Professor of Jurisprudence at Angiers, as one of the greatest lawyers of his age. He was residing at Rome when Dempster wrote his History (c. 1627), and was doubtless "le docteur William Seton" mentioned by Francisque-Michel (Les Ecossais en France, ii. 295) as one of the most learned men of his time—a distinguished "jurisconsulte," and, in the opinion of his contemporaries, "le flambeau de l'époque."

C. Pauwe sculp.t

The Seton Family

January 1585, at the age of fifty-five,[1] and consequently must have been thirty-nine years of age in 1569 (the date of the picture); while, at the same period, his son Alexander was fourteen, which would make the year of his birth 1555. At the time of Lord Seton's marriage, his father-in-law, Sir William Hamilton, was Captain of the Castle of Edinburgh, and one of the Senators of the College of Justice. The following details regarding the cause of the union are given in Sir Richard Maitland's quaint History of the family:—

"The caus of this maryage wes be ressoun that my Lord Duik of Chatellarault, Erle of Arrane, Lord Hammiltoun, etc., was gouernour of this realme, and his brother, Johne Archebischop of Sanctandrois, was Thesaurar, and sumthing scharp to the said Lord George (7th Lord Seton) and maid him impediment in the brouking [*possession*] of certane few landis of Kirklistoun, that the said Georgeis fader gat in few of Dauid Betoun, Cardinale of Sanctandrois. For the quhilk caus, the said Lord George thocht gude to allya him self with sum of my Lord Duikis freyndis and surename; and becaus the said S^r^ Williame (Hamilton) was gritest, maist substantious and honest, of that surename, nixt my said Lord Duikis self, haveand dochteris at age to marey, he thocht gud to marey his dochter, thinkand thairthrow to haue the mair favour and mantenance of the Lord Duik and his brother, the Archebischop of Sanctandrois: and for resonable tocher and gratuiteis gevin and done to the said Lord George; and becaus my Lord

[1] His widow died in 1604, about the age of seventy-five, and accordingly she and her husband must have been born very near the same date. She received as a gift from Queen Mary one of "troys bagues garnye de petis rubys."—Inventories of Mary Queen of Scots, 1863, p. 113. A stone resembling a ruby appears in the ring on her son's finger in the portrait at Yester, to be afterwards noticed; and possibly the royal gift may have been inherited by the Chancellor as the "godbairn" of Queen Mary.

Duik allegit his marrage to be in our souerane Ladies handis and his, be ressoun of his office, as the indenture of marrage mair fullelie proportis, in the quhilk my said Lord and the said Archebischop are contractoris."[1]

The issue of the marriage was one daughter, Margaret, who married Lord Claude Hamilton, Commendator of Paisley, and ancestor of the Duke of Abercorn,[2] and five sons —viz., George, Master of Seton, who died young; Robert, eighth Lord Seton, and first Earl of Winton; Sir John Seton of Barns, Knight of the Order of St Iago, and Master of the Household to Philip II. of Spain; Alexander, Lord President and Chancellor; and Sir William Seton of Kyllismore, one of the Chief-Justices of the Borders, Sheriff of Mid-Lothian, and Postmaster of Scotland.

From his godmother, Queen Mary, Alexander Seton received, as "ane godbairne gift," the lands of Pluscarden

[1] History of the House of Seytoun, p 43. The marriage was commemorated by a medal bearing the initials of the spouses (G. S. and I. H.) and the legend "Ung Dieu, ung loy, ung foy, ung roy."—See Register of the Privy Council of Scotland, vol. i., Introduction, p. xxx, note; and Francisque-Michel's Civilisation in Scotland, p. 125.

[2] A mural tablet in the chapel of St Mirrinus at Paisley, bearing the impaled arms of Hamilton and Seton, surrounded by a linked chain somewhat resembling a *cordelière*, commemorates three infant children of Lord Claude and his young wife Margaret Seton. In touching allusion to their premature decease, the epitaph concludes as follows:—

"Felices anime vobis svprema parentes
Solvvnt vos illis solvere quæ decvit."

Like his loyal father-in-law, Lord Claude was a devoted adherent of Queen Mary, meeting her at Queensferry after her escape from Lochleven, commanding her vanguard at Langside, and forming one of her retinue at Carlisle—"a brave and gallant gentleman, of steady honour and unspotted integrity."

in Moray, with which he was otherwise afterwards identified. "Finding him of a great spirit," his father sent him to Rome at an early age, with the view of his following the profession of a churchman, and he studied for some time in the Jesuits' College. "He declaimed, not being sixteen years of age, ane learned oration of his own composing, *De Ascensione Domini*, on that festivall day, publickly before the Pope, Gregory the 13th, the cardinall, and other prelats present, in the Pope's chapel in the Vatican, with great applause. He was in great esteem att Rome for his learning, being a great humanist in prose and poecie, Greek and Latine; well versed in the mathematicks, and had great skill in architecture and herauldrie."[1] According to Spottiswoode, Seton took holy orders abroad, and the assertion appears to be confirmed by Scotstarvet, who mentions that "his chalice wherewith he said mass, at his home-coming, was sold in Edinburgh."[2]

The establishment of the Reformed religion in Scotland is supposed to have induced young Seton to abandon his ecclesiastical pursuits and to betake himself to the study of the civil and the canon law, to which he vigorously applied himself. After a residence of several years in France, he returned to Scotland to prosecute his legal studies, and ultimately "made his public lesson of the law before King James the Sixth, the senators of the Colledge of Justice,

[1] History of the House of Seytoun (Continuation by Alexander, Viscount Kingston), p. 63. Lord Kingston adds that he was informed at Rome that if Seton had remained there, he would have been a cardinal.

[2] Staggering State of the Scots Statesmen, p. 16.

and advocats present, in the chapell royall of Holyrood-house, in his lawer goun and four-nooked cape, as lawers use to pass their tryalls in the universities abroad, to the great applause of the king and all present, after which he was received by the Colledge of Justice as ane lawer."[1] The precise date of his "call to the Bar" does not appear, but it was probably about 1577, when he was twenty-two years of age.

[1] Continuation of the House of Seytoun, p. 65.

CHAPTER II.

ELEVATION TO THE BENCH AND THE PEERAGE.

1586-1599.

IN 1583, the youthful advocate accompanied his father, Lord Seton, in an embassy to Henry III. of France; and on the 27th of January 1586, he was admitted as an Extraordinary Lord of Session, by the style of Prior of Pluscarden,[1] in room of James Stewart, Lord Doune, father of the "Bonnie Earle o' Moray." The priory of Pluscarden in Morayshire, a cell of the Abbey of Dunfermline, had been bestowed by Queen Mary on Seton's father in 1561, and four years later (17th September 1565), it was formally conveyed to himself by Queen Mary and Darnley in a letter of confirmation, which is preserved in the Register of the Privy Seal. The record sets forth that, in respect of

"The thankfull and obedient seruice done to thair Maiesteis be thair cousing, George Lord Seytoun, Thairfore in his fauouris and to his vitilitie weile and profitte Ordanis ane lettre etc. to thair

[1] Seton's seal, as Prior of Pluscarden, is described in the first volume of Laing's Catalogue of Ancient Scottish Seals, No. 1099.

weil-belouit Alexander Seytoun son to thair cousing, gevand grantand and disponand to him for all the dayis of his lyfe the Priourie of thair Abbay of Pluscardin, liand within the diocie of Murray, with the place, housis, yairdis, orcheardis, with all and sindrie landis, rentis, teindis, mylnis, multuris, fischeingis, fruitis, emolumentis, profittis, casualiteis, priuilegis and dewiteis quhatsumeuir quhilkis in ony times bigane hes pertenit or may pertene to the said Priourie and benefice thairof in ony tymes to cum."

Towards the close of the letter it is declared that the gift and disposition of the Priory "is now and salbe in all tyme cuming of als greit strenth force and effect as the samin had bene provydit in the Court of Rome be the ordour thairof obseruit in tymes bepast."

In 1587,[1] the lands of Urquhart and Pluscarden were erected into a barony, and granted to the highly favoured Prior; and the following year (16th February 1588) he was promoted to the position of an Ordinary Lord, under the title of Lord Urquhart, upon the death of James Meldrum of Segie. The relative king's letter proceeds as follows:—

"We understanding particularly the good literature, pratik judgement, and sufficient qualification of our well beloved and trusty counsellor Alexander Seyton Barron of Urquhard, apt and meet to use and exerce one of the ordinary places and number of our College of Justice, and that he is of good fame, having sufficient living of his own, therefore nominate and present him to the place and room ordinary of our said College of Justice, vacant by deceiss of umquhile James Meldrum of Segy, last occupied by him, requiring and desiring you to try and examine him, and being found qualified, to admit him to the said ordinary place."

[1] The year of Queen Mary's execution at Fotheringay. See Chapter X.

In conformity with the royal injunction, Seton was duly admitted, and took the oath of office; but the suspicion of his still being a Roman Catholic appears to have excited the jealousy of the Court. The record of his admission bears that—

"Becaus y^{e} saidis lordis wer informit y^{t} y^{e} said Alexander has not as yit communicat w^{t} the whole of the faithful brethren the sacrament of the Supper of our Lord, and therefore, according to the lawis and statutes of this realm, he my^{t} not be ane sufficient juge with the remanent lordis of the session, and therefore the said Alexander has bunden and obleist himself that he sall, with the grace of God, communicate with the rest of the brethren of the sessioun the sacrament of the Supper of the Lord, at the prefixt time appointed be the ministers of Edinburgh, or at the lest before the dayes appointed y^{rto} be past, and in case he failye thairin, he sall leiss his said ordinar place."[1]

In Pitmedden's Abridgement[2] it is here noted as follows: "I have not observed this to have been done to any other; but he was ever subject to the smell of the pan"!

After Seton's admission as an Extraordinary Lord, he is usually entered in the Sederunt as "Pluscarden," and on one occasion as "Alexander Seytoun prior Pluscarden." His last appearance under the name of the priory is in the Sederunt of 16th February 1588; and in his admission as

[1] Books of Sederunt.

[2] "Pitmedden MS." is a very frequent reference in Brunton and Haig's Historical Account of the Senators of the College of Justice. I have been unable to discover the present possessor of the manuscript, which does not appear to be either in the Register House or the Advocates' Library. It was the production of Sir Alexander Seton, Lord Pitmedden, already referred to.

an Ordinary Lord, on the same day, he is styled "*Baron* of Urquhart," as in the king's letter already referred to. The day following he appears simply as "Urquhart;" but in the admission of his brother, Sir John Seton, into his place as an Extraordinary Lord, he is again pointedly described as "now Baron Urquhart;" while in many of the subsequent Sederunts he is entered as "*D*^{ns} Urquhart." It has been generally supposed that his elevation to the peerage did not take place till 1597, when he was created Baron Fyvie;[1] but there seems to be good ground for holding that "Urquhart" was something more than a judicial title, and that he was ennobled under that designation several years earlier than has been hitherto believed. Crawfurd, in his 'Peerage of Scotland,' expressly states that he was "advanced to the dignity of a Lord of this realm," on the 3d of August 1591; and in a document in the State Paper Office (vol. xlviii. No. 62), entitled "The present state of the Nobilitie in Scotland, the first of July 1592," and endorsed by Lord Burghley, Lord Urquhart is entered, along with Lords Altrie, Newbottle, and Spynie, under the head of "Lords or Barons, created of landes appertaining to Busshopricks and Abacies"—his "Lordship" being described as "founded on the Priory of Pluscardy."

On the 29th of December 1591, licence was given to Lord Urquhart "to pass west to Paslay to visit my Lady of Paslay, his sister, who has contracted sickness as he is

[1] In Wood's edition of Douglas's Peerage of Scotland, the 4th of March 1598 is the date assigned to his creation as Baron Fyvie, but he appears as "Fyvie Preses" in the Sederunt of 20th December 1597.

surelie informed, and that for the space of nine days;"[1] *apropos* to which his kinsman Pitmedden remarks: "I suppose it was rather to keep the haly feast of Yule with her."

It may be presumed that Lord Urquhart, besides satisfying "the rest of the brethren," must have discharged his judicial functions in a creditable manner, seeing that, five years after his appointment as an Ordinary judge, he was elected to the President's chair, at the comparatively early age of thirty-eight. Two days after the death of Lord President Baillie—viz., on the 28th of May 1593—the judges proceeded to exercise the power of electing their President, lately conferred upon them by statute.

"The spiritual syd of the saidis lordis nominat Alexander, Lord Urquhart, ane of the temporal number,[2] and the temporal syde nominat M^r. Johne Lindsay, persoune of Menmuir,[3] ane

[1] Books of Sederunt. At least two other entries appear in the Books of Sederunt relative to the President's absence from the Court, of which one is to the following effect, under date "July 1596," and no doubt refers to a visit to Fyvie Castle: "The Lordis excusis my Lord Vrquhart, President, his absence in respect of his necessar adois [*business*] *in the North* qu^ll the last day of this instant moneth of Julij." Had the date been a month later, we might have inferred that the cause of the President's absence had something to do with his Aberdeenshire moor!

[2] It is somewhat curious that in a list of the "Lords of Session" in the Books of Sederunt, under the date 15th June 1587, Seton is entered as one of the two Extraordinary Lords of the "*spirituall* estait," the other being Mark Abbot of Newbottle; while Robert, Lord Boyd, and the Master of Glammis appear as the two Extraordinary Lords of the "temporall estait."

[3] John Lindsay, Lord Menmuir, was the second son of David, ninth Earl of Crawford, and ancestor of the present Earl of Crawford and Balcarres. An interesting notice of this distinguished judge and statesman will be found in Lord Lindsay's charming family record, The Lives of the Lindsays, i. 338-80.

of the spiritual syde, to be upoun the lyttis of the said office. Quhilkis twa lordis being removit furth of judgement, the saidis lordis hes electit, nominat, and chosin, and presentlie electis, nominates, and chois the said Alexander, Lord Urquhart, as President of the said College of Justice, during his life, and the said Lord Urquhart promised, in presence of the saidis lordis, that he sall trewlie minister justice to all our soverane lordis leiges in the said office, and observe and keip the actis and statutes of session, defend and maintain the senatouris thairof, and haill members of court."[1]

After Seton's advancement to the office of Lord President, he continues to be entered in the *Sederunt* as "Urquhart," but always first in order, except when the Chancellor happens to be present. His last appearance as "Urquhart" is in the Sederunt of 8th December 1597, after which he is entered as "Fyvie Preses;" while his last appearance as President is 10th March 1604. On the 5th of March 1605—four days after the admission of Lord Balmerino, his successor in the office of President—he appears first in the Sederunt, as "Alexander Erle of Dunfermling Lord Fyvie and Urquhart Cancellarius."[2]

About two months after Lord Urquhart's elevation to the headship of the Court, the proceedings of the Scottish Parliament were delayed by a dispute among the nobles relative to the precedency in bearing the honours. It was ultimately arranged that Lennox should carry the crown, Argyll the sceptre, and Morton the sword; and that, in the

[1] Books of Sederunt.

[2] The King's occasional presence is indicated on the margin of the record by the words "*Rege presente.*"

absence of Chancellor Maitland, his place should be filled and the business conducted by President Seton. Among the first acts of the Parliament were Bothwell's forfeiture and a confirmation of the Queen's jointure; while the Kirk was conciliated by the passing of an Act exempting ministers' stipends from taxation, and a Statute against the Mass. The death of Chancellor Maitland at Thirlstane, towards the end of the year 1595, was followed by a period of considerable excitement; and the embarrassment of the national finances induced the King to dismiss the various officials by whom they were controlled, and to commit the management of his revenues to the Queen's favourite councillors. These were President Seton and three of his colleagues on the bench—viz., John Lindsay, "Parson of Menmuir," James Elphinstone, afterwards Lord Balmerino, and Thomas Hamilton, afterwards Earl of Haddington, of whom the two last ultimately occupied the President's chair. Owing to the laborious nature of the duties with which they were intrusted, it was soon found necessary to associate four others with them in the persons of Walter Stewart, Prior of Blantyre, Sir John Skene, Lord Clerk Register, Sir David Carnegie of Colluthie, and Peter Young, Master Almoner. They held daily meetings in the Tolbooth, acting without salary, and in allusion to their number were called the *Octavians*. "This change," says Calderwood,[1] "portended a great alteration in the Kirk;

[1] History of the Kirk of Scotland, of which the best edition, in eight vols. 8vo, was issued by the Wodrow Society in 1841-49—a work which Bishop Nicolson, in his Scottish Historical Library, describes as being "in high esteem with the men of its author's principles."

for some of their number was suspected of Papistrie." Vested with almost unlimited powers, by their vigorous and judicious arrangements, they soon gave promise of a thorough reform of all financial abuses; and "there was now exhibited, for the first time in Scotland, a ministry selected upon principles approaching to those which dictate the construction of a British Cabinet in modern times."[1]

Towards the end of August 1596, the King summoned a Convention of the Estates to Falkland. Calderwood alleges that the laymen who attended were friends and favourers of the excommunicated Earls, and that the ministers cited were "suche as the King could dresse for his purpose." "Alexander Setoun," he says, "then President of the Sessioun, afterward Chanceller, made a prepared harangue, to perswade the King and Estats to call home these erles, least, lyke Coriolanus the Roman, or Themistocles the Athenian, they soulde joyne with the enemeis, and creat an unresistable danger to the estat of the countrie."[2]

Shortly after the Octavians entered upon their duties, the King discharged the Commissioners of the Kirk from holding any further meetings, in consequence of certain recent acts of insubordination in connection with the high-handed conduct of David Black, one of the ministers of St Andrews, who was ultimately found guilty of treason. Upon this they sent an angry message to the Octavians, holding them responsible for invading the privileges of the Kirk. This charge was indignantly repelled by President

[1] Life of King James, i. 217.

[2] See also Mr James Melville's Diary, p. 243 (Ban. Club, 1829).

Seton, from whom the Commissioners repaired to the King, who made a fruitless endeavour to avoid recourse to extreme measures, while Seton strongly urged the propriety of some punishment following the sentence pronounced upon Black. This notorious minister had proclaimed from the pulpit that the Queen of England was an atheist; that the religion professed in that kingdom was nothing better than an empty show; and that, not content with the pageant at home, the bishops were persuading the King to set it up in Scotland. As for the King, he alleged that none knew better than he did of the intended return of the Popish Lords. "But what could they look for?" he continued. "Was not Satan at the head of both court and council? Were not all kings devil's bairns? Was not Satan in the court, in the guiders of the court, in the head of the court? Were not the Lords of Session miscreants and bribers; the Council cormorants, false, godless, and degenerate; and the Queen of Scotland a woman whom, for fashion's sake, they might pray for, but in whose time it was in vain to hope for good?"

On the 20th of October 1596, the Commissioners of the Kirk ordained President Seton to be summoned before the Synod of Lothian, on the 2d of November, "for dealing in favours of the Erle of Huntlie." One of the ordinary clerks of the Session "compeered" before the Commissioners, showing that two of the senators and two advocates desired to have a conference with certain of the brethren. On this being granted, it was reported to the Commissioners "that the saids lords compleaned of the summon-

ing of the President of their Sessioun, and with manie arguments travelled to move the said Commissioners and Synod conveened to superseed the calling of the said summons. At last they obteaned that so sould be, if the said President would present himself before the Synod of his owne accord. The which he did; and being by the Synod remitted to the said Commissioners, came before them on the morne, and purged himself verie largelie of anie dealing for the Erle of Huntlie." After many protracted overtures, the Kirk and the Crown became more hostile to each other than before, and the dominant party in the former resolved to destroy the government of the Octavians. In the course of the well-known Edinburgh riot, which took place during the following December, a violent scene occurred at the Tolbooth,[1] where the King was sitting with his Privy Council, while the judges of the Session were assembled in the lower house. The excited populace battered the doors with axes and other weapons, calling for the surrender of the President, Elphinstone, and Hamilton, as the abusers of the Kirk and King. When the tumult had been appeased by the intervention of the Provost (Sir Alexander Hume), the Earl of Mar was sent by the King to remonstrate with the ministers, who, among other proposals, urged that the

[1] The Tolbooth, or "Pretorium," a lofty, antique, gloomy-looking edifice, of which engravings will be found in the well-known works of Chambers and Wilson, stood at the north-west corner of St Giles's Church, in the centre of a crowded thoroughfare. Besides being used as a prison, it was the place where the Scottish Parliament met, and where the Court of Session held its sittings. It was demolished in 1817, and the site is now marked by a figure on the pavement, indicative of the "*Heart* of Mid-Lothian." The Canongate Tolbooth, erected in 1591 for the confinement of debtors, still exists in good preservation.

President, Comptroller, and Advocate "be not admitted to sit in Council, at least when the cause of religion and matters of the Church are treated, seeing they are enemies to the quietness thereof, and have by their devices raised the troubles that presentlie do vex the same." As an indication of his displeasure, the King threatened to remove the Lords of Session and other officers of justice from the metropolis; but the Kirk party was not to be intimidated, and they made a serious proposal for the excommunication of President Seton, and Hamilton, the Lord Advocate, which, however, was deferred for the consideration of the General Assembly. Meanwhile, with the view of popularising his contemplated ecclesiastical innovations, the King accepted the resignation of the Octavians, which appears to have been regarded by the ministers and the "godly lords" as a conciliatory act. On the other hand, the triumph of the Crown over the Kirk was illustrated by the humbled metropolis being compelled to elect the President to the office of Provost for ten successive years (1598-1608).[1]

The bitter animosity entertained, in certain quarters, towards Seton and some of his colleagues, is exhibited in the following curious extract from Calderwood's MS.:—

"Upon the same Mounday, (viz: 10 January 1597,) at night, ther was a letter conveyed in to ye King after this maener: John Boge M^r^ Porter standing at y^e^ gate of y^e^ palace att five hours at night in y^e^ twilight, y^r^ come to him one, and said, 'Sir, I have mett with you weill, for I was seeking you, for I have a letter unto you from y^e^ minister of Kilconquhar in Fife, who as yee

[1] Maitland's History of Edinburgh, p. 226. See Chapter IV.

know is heavily vexed for the king's sake, and deprived of his office. He hath sent me unto you with this letter unto yourself, w^ch^ yee sall read and deliver it unto the King's ma: that y^e^ King may know more then he knoweth, and I sall come to you y^e^ morne and seek ane answer:' John Boge received ye letter and his own, presented ye oy^r^ when y^e^ King was going to his super. The King opened it immediately and read it, but raged soe that he could not eat noe meat that night for anger; the tener of y^e^ letter heer followeth. . . . . .
. . . The second fountain ground and motive of this storme, the default of your unhappie counsellers that are presentlie about you, who once after they had come to preferment *per fas et nefas*, secreatly, directly, or indirectly have sought y^r^ own standing without care or conscience of the weall of anie man whatsomever, whose unfamous names I am sure sall remaine to all posterity and age to y^r^ ignominie. I mean that Romanist President, a shaveling and a priest, more meet to say masse in Salamanca, nor to beare office in Christian and reformed Commonwealls; Mr John Lindsay, a plaine mocker of religion; Mr James Elphinstoun, a greedie and covetous man, a priest without good religion or conscience, as his godlesse doings can testifie, and the entertainment of y^t^ excommunicated forfaulted bloody trater Huntlie in his house; and Mr Thomas Hamilton, brought up in Parish, [*Paris*,] with y^t^ apostat Mr John Hamilton, and men say the dregs of stinking Roman profession stick fast in his ribbes, and alas, Sir, it is to be lamented that ever such a Prince to whom God has given soe manie notable gifts of knowledge, sould sufer your self to be lead with such four malicious counsellers, whose attempt I hope yee sall curse one day, these men seeing your ma^es^ inclination which is ever inconstant in good purposes, accompt you as a facile one, and they seeing the ministers sore in rebuking sine in whosoever, concluded y^r^ standing and security to be in casting the whole policie as weel civil as ecclesiasticall lawes, for, Sir, in judgment, justice is bought and sold, as I could prove be sundrie instances, and the ecclesiasticall policie is soe

far persecuted that without great danger nather can pastors discharge y^r^ spiritual offices, nor professors concurr. And, Sir, I pray your ma. consider y^e^ degrees of thir mens preferment. First, they wer admitted upon y^e^ Session. Secondly, to be handlers of her majesties living. Thirdly, to y^e^ administration of y^e^ whole common weall, w^ch^, how it is guided, lett God and every honest man record: alwise for thir men, we say the Lord reward them according to y^r^ werks, and meet them according to ther demerits, *sed enim patitur justus.*"

It does not appear whether the bearer of the extraordinary philippic ventured to return to Holyrood for an answer on "y^e^ morne." The tone of the communication was not particularly well calculated to insure a favourable response, even from "a Prince to whom God had given soe manie notable gifts of knowledge;" and the "four malicious counsellers" continued to retain the confidence of their sovereign. The elegant allusions to their religious proclivities are quite in keeping with the sentiments of a certain section of the so-called historians of the period; and I shall afterwards have occasion to refer to the supposed papistical tendencies of the "shaveling and priest," who is pronounced by the minister of Kilconquhar to be "more meet to say masse in Salamanca, nor to beare office in Christian and reformed Commonwealls." Had the minister been a genealogist, he would probably have bracketed him with Elphinstone in the charge of entertaining the "bloody trater Huntlie," who happened to be a kinsman of the "Romanist President."

The minister of Kilconquhar at the period in question was a certain John Rutherford, who was "laureated" at

the University of St Andrews in 1582, and had been translated from the second charge of Cupar in 1594. From a visitation held towards the end of the following year, it appears that "sen his coming thair, he never had ony examination nor particular catechising vpon the grundis of religion. The Supper of the Lord was never yet ministered sen his entry. He had no exercise on the Sabbath afternone, albeit the parish be populous, and their be a toun wher the kirk standis, quhilk wold furnish sufficient auditorie, whereby it cumis to pass, that because of no exercise in the kirk, the Sabbothis afternone is often tymis spent be them of Kilconwhere in playing, drinking, and sic vther prophane exercises." Besides other serious charges, it further appears that "his indiscreit conduct gifes occasioun of farder alienatioun of myndis," and that "he was becum wein (vain) and louse in his behaviour and speiches at gentilmans tabillis, ane brawler and boster to the grit sclander of his professioun, and hindrance of ony grouth of Chrystis Evangell teachit be him thair." He afterwards confessed that he was the "penner" of an infamous and godless libel entitled 'The heade of Blackerie doctrin resoluit in a Remist method"—the said libel being a paper written to "ease his mind" against Mr David Black, minister of St Andrews, who had inveighed, in the Presbytery, against Rutherford's non-residence and doctrine. After further procedure in the Church Courts, he was "released" on the 1st of June 1603, and betook himself to the profession of medicine.[1] Such was the character

[1] Scott's Fasti Ecclesiæ Scoticanæ, ii. 435.

and conduct of the reverend author of the epistle addressed to the Scottish monarch respecting his four "malicious counsellors"!

Little more than a year after the arrival of the Kilconquhar fulmination, Seton gave a spirited proof of his independence as a judge, by vindicating the rights of Mr Robert Bruce, a celebrated minister of the Kirk, in opposition to the wishes of his royal master; and, as might have been expected, we find the briefest possible account of the occurrence in the circumstantial history of Calderwood. Having been deprived of his stipend by the king, Bruce sued the Crown in the Court of Session, and obtained a decision in his favour. The disappointed monarch appealed to the Court in person, pleaded his own cause, and commanded the senators to pronounce judgment against Bruce. The scene is graphically described by Tytler in his 'History of Scotland.'[1]

"The Président Seton," he says, "then rose: 'My liege,' said he, 'it is my part to speak first in this Court, of which your Highness has made me head. You are our King; we, your subjects, bound and ready to obey you from the heart, and, with all devotion, to serve you with our lives and substance: but this is a matter of law, in which we are sworn to do justice according to our conscience and the statutes of the realm. Your Majesty may, indeed, command us to the contrary; in which case I and every honest man on this bench will either vote according to conscience, or resign and not vote at all." Another of the judges, Lord Newbattle,[2] then rose, and observed, 'That it had been

[1] Vol ix. p. 290.

[2] Mark Kerr, an Extraordinary Lord, created Earl of Lothian in 1606, ancestor

spoken in the city, to his Majesty's great slander, and theirs who were his judges, that they dared not do justice to all classes, but were compelled to vote as the King commanded: a foul imputation, to which the lie that day should be given; for they would now deliver a unanimous opinion against the Crown.' For this brave and dignified conduct James was unprepared; and he proceeded to reason long and earnestly with the recusants: but persuasions, arguments, taunts, and threats, were unavailing. The judges, with only two dissentient votes, pronounced their decision in favour of Mr Robert Bruce; and the mortified monarch flung out of Court, as a letter of the day informs us, muttering revenge, and raging marvellously."[1]

As the historian justly observes, "When the subservient temper of the times is considered, and we remember that Seton, the President, was a Roman Catholic, whilst Bruce, in whose favour he and his brethren decided, was a chief leader of the Presbyterian ministers,[2] it would be

of the present Marquess of Lothian. He was appointed Vice-Chancellor, in the absence of the Earl of Dunfermline, 9th October 1604.

[1] MS. Letter, State Paper Office, Nicolson to Cecil, 16th March 1598-9.

[2] Robert Bruce was the second son of Alexander Bruce of Airth, by Janet, daughter of Alexander, fifth Lord Livingstone, and was accordingly a collateral kinsman of his illustrious namesake, the hero of Bannockburn. His descendant, in the sixth generation, was James Bruce, the Abyssinian traveller. Born about 1556, he was, in the strictest sense, a contemporary of President Seton. Next to Andrew Melville, Bruce had probably the greatest influence in the Kirk, and took a very prominent part in ecclesiastical affairs during the reign of James VI., who regarded him with mixed feelings of respect and fear. At the coronation of Anne of Denmark, in May 1590, Bruce had the honour of anointing her Majesty with oil—"not, however, as a religious rite, but as a civil ceremony." Less violent than Melville, and more enlightened than Knox, he has been described as viewing the united interests of the Church and the nation with a milder eye than either of these Reformers; and is generally regarded as having been instrumental, more than any other man, in procuring the Act of 1592—the great charter of the rights and privileges of the

unjust to withhold our admiration from a judge and a Court which had the courage thus fearlessly to assert the supremacy of the law."

> "Sooner the inside of thy hand shall grow
> Hispéd and hairie, ere thy palm shall know
> A postern-bribe tooke, or a forkéd fee,
> To fetter justice, when she might be free."

Among the Balcarres papers (vol. vi.) in the Advocates' Library, is an undated letter of President Seton's, apparently addressed to John Lindsay of Balcarres, Lord Menmuir, and Secretary of State. It is written, on a folio sheet, below a holograph letter from the King, which is endorsed "His Maiestie to the President, anent siluer to the Colonel to pas to Kintyre, 1596." The "Ylis voiage" referred to by the King is probably the expedition projected to the Western Islands in the year indicated in the endorsement.[1] Although the King was thirty years of age at the date of the letter, the handwriting is somewhat juvenile in its character—almost approaching to *printing*—and consequently very legible; while that of the President is free and flowing, and evidently of rapid formation. As both of the letters are very short, I do not hesitate to introduce them.

Church of Scotland. Sixteen of his sermons—in the genuine Scotch of the sixteenth century, and characterised by boldness of expression and force of argument—were published in 1590 and 1591. An English translation appeared in 1617; while the latest edition, with Bruce's life by Wodrow, was printed for the Wodrow Society, in 1843, from the MS. in the library of the University of Glasgow, under the editorship of the Rev. Dr Cunningham. Bruce died on the 13th of August 1631, about seventy-five years of age.

[1] See Gregory's Highlands and Isles of Scotland, p. 264.

(1.) *The King to President Seton.*

"President, The rest of the siluer for the Ylis voiage is found out, and thay that hes it desyres you, and the Secretaire, and Maister James Elphistoune, to be goode for it; ye see hou farr this turne concernis my honoure and weill, and hou, for the caire I hadd for that earande, I came to Edinburgh myself, thairfor, I pray you haiste youre tikket to the Secretaire with this bearare, that the partie that deliures it maye be sure to be payed againe; for gif this siluer be not in Dounbretaine at the colonall, other morne at the farthest, this haill turne vill spill, quhilke I ame sure ye will not suffer throu your defaulte. Fairweill. JAMES R."

(2.) *President Seton to Secretary Lindsay.*

"Your Lordship may persaue heirby the King's Maiestie earnestness in this honorable turne, and your lordship knawis my minde, quhasoeuer furnesis the silver, lett his securitie be deuisit and agreit on be your lordship, and I sall subscriue the same, so soon as your lordship sall send it to me, sence your lordship is in Edin^{r}., yie may tak the penes to see the sewrtie formit for us, in cace M^{r}. James Elphinstoune be not thair. I think your lordships band and mine may serue for this sufficientlie, for onye off us weill have mair geir and credit nor this samyn, and I dout na thing but we sall get our releiff.—Your lordships bruther at command, SETON VRQUHART."

A curious little volume, published at Edinburgh in 1599, entitled, 'A Newe Treatise of the right reckoning of Yeares, and Ages of the World,' etc., by M. Robert Pont,[1] an aged

[1] Robert Pont, son of John Pont of Shyres-mill, in the parish of Culross, was appointed to the first charge of St Cuthbert's in 1578, having been previously minister of various other parishes. Five times Moderator of the General Assembly, he became Provost of Trinity College in 1571, and the year following was appointed a Lord of Session; but in terms of the Act of 1584, he was deprived of his seat on the Bench. In 1601, he was selected by the General As-

Pastour in the Kirk of Scotland, contains the following laudatory Dedication to President Seton:—

"To the Right Reverende Noble Lord, Alexander Seyton, L. Vrquhard and Fyvie, President in the Senate of Iustice, and Provest of Edinburgh, etc. All health and felicitie in Christ.

"Your Lordshippes gentle humanitie toward all honeste and well-hearted men, and namely, towards me, since my first acquaintance, hath mooved mee to dedicate to your honour this parte of the fruite of my studies, knowing that, amongst the rare Mæcenases of this Land, your name is with the highest ranke vnder his Maiestie to be mentioned. The first cause (I confesse) that mooved mee to publish this Treatise in our English tongue, was to disswade the too curious conceites of certaine men, desirous to be at Rome this approching 1600 yeare, commonly called a year of Iubilee, wherof they shuld receiue no profit, but rather damage, with losse of time and expenses. For your L. knows wel ynough the maners of Rome, and (as I am perswaded) allowes not of that pompose superstition: yet if your L. wil take paines (not being fashed with more weighty matters) to reade this whole discourse, I trust you shall finde other heads, whereof you shal like verie well, that haue troubled the heades of learned men, and not bene so exactly found out. Wishing your L. to accept of this smal token of my good fauor towards your honor, and to accept of me amongst the clientele of your friendship, wherfore God-willing, ye shall not finde me vnworthie. To whose almightie protection I commit your L. This last of October 1599. —Your L. ever ready to power in God, ROBERT PONT."

sembly to revise the new metrical translation of the Psalms, and was shortly afterwards "releivit from the ordinarie burdein of teaching," in respect of his great age and long services in the Kirk. He was the first to salute James VI. on his elevation to the English throne, and died in 1606 in his 82d year. His son Timothy, minister of Dunnet, was the first projector of a Survey of Scotland.

The mode in which the President is designed affords an interesting example of the application of the term "Reverend" to a layman; while the writer of the Treatise, although a clergyman, simply describes himself on his title-page as "M." or *Magister*. The word "namely" is used in a somewhat peculiar sense at the beginning of the Dedication, being apparently equivalent to *notably* or *especially*. As in a later Dedication by a much more illustrious man, the President is referred to as the first among the Mæcenases of Scotland, and only second to the King himself. The allusion to Seton's familiarity with the manners of Rome, and the learned author's very pointed statement as to his disapproval of her "pompose superstition," may be regarded as at least a qualification of the allegations of other more prejudiced writers respecting the President's Popish tendencies. Lastly, the author's indirect compliment to himself is not a little quaint—the subject of his discourse having troubled the heads of learned men, without, however, having been "so exactly found out" as by himself!

CHAPTER III.

JUDICIAL CAREER CONTINUED.

1600–1604.

IN the summer of the year 1600,[1] President Seton furnished a second illustration of his independent character. In anticipation of the death of Queen Elizabeth, the thoughts of the Scottish monarch had for some time been engrossed by the idea of raising a formidable force, with the view of maintaining his title to the English crown. This, of course, implied the provision of "ways and means;" and, at the Convention of the Estates, the King delivered an elaborate harangue upon the subject. Although supported by

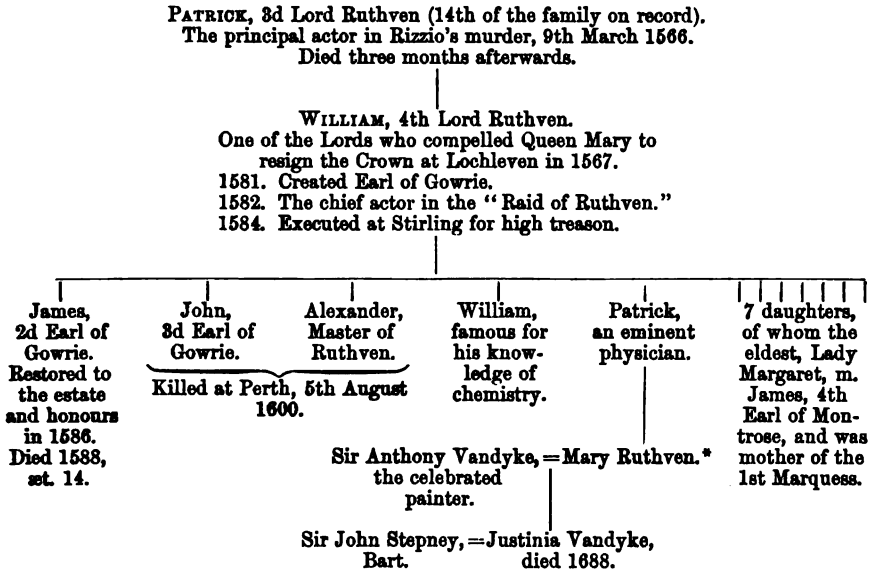
[1] The last year of the sixteenth century in Scotland (1600) is remarkable for the change then made in the mode of computing time. Hitherto, the year had been calculated as beginning on the 25th of March, in accordance with very ancient practice; and hence the frequent confusion in the relation of historical transactions that happened in January, February, and the first twenty-five days of March, which period ought to be referred to as belonging to two consecutive years—*e.g.*, 1598-9. An Act was passed in 1599, which provides that, in all time coming, "the first day of the year is to begin upon the first day of January;" and the year 1600 was opened in conformity with that arrangement.

the majority of the higher nobility and prelates, the royal proposal was stoutly resisted by the barons and the burghs, who resolutely adhered to their opposition, at an adjourned meeting of the Convention. In reply to an assertion by the King that it was indispensable for him to have an army in readiness for the expected event, Seton strongly argued against the folly of endeavouring to seize the English throne by force, dwelling upon the vast cost of a suitable expedition and the improbability of the nation being able to provide the requisite sum. The King violently accused the President of perverting his meaning; but his temper was somewhat appeased when he found his views supported by Mr Edward Bruce,[1] who appealed to the loyalty of his countrymen, and foretold the dangers that would ensue from a failure to comply with the sovereign's proposal. Backed by the countenance of the youthful Earl of Gowrie, the opinions of the opposition ultimately prevailed; and, notwithstanding the undisguised mortification of the King, the result occasioned all but universal satisfaction throughout the country.

The young nobleman to whom I have just referred was, not many weeks afterwards, a prominent figure in the tragic and mysterious occurrence which took place, on the 5th of August 1600, in the city of Perth or St Johnstown. The details of the "Gowrie Conspiracy" are too well known to require even the briefest recapitulation, but the annexed tabular pedigree may be of service to any

[1] Abbot of Kinloss and a Senator of the College of Justice, created Lord Bruce of Kinloss in 1602—ancestor of the Earl of Elgin.

reader who happens to be specially interested in the history of the family of Ruthven :—


PATRICK, 3d Lord Ruthven (14th of the family on record).
The principal actor in Rizzio's murder, 9th March 1566.
Died three months afterwards.
WILLIAM, 4th Lord Ruthven.
One of the Lords who compelled Queen Mary to resign the Crown at Lochleven in 1567.
1581. Created Earl of Gowrie.
1582. The chief actor in the "Raid of Ruthven."
1584. Executed at Stirling for high treason.
James, 2d Earl of Gowrie. Restored to the estate and honours in 1586. Died 1588, æt. 14.
John, 3d Earl of Gowrie.
Alexander, Master of Ruthven.
Killed at Perth, 5th August 1600.
William, famous for his knowledge of chemistry.
Patrick, an eminent physician.
7 daughters, of whom the eldest, Lady Margaret, m. James, 4th Earl of Montrose, and was mother of the 1st Marquess.
Sir Anthony Vandyke, the celebrated painter.
=Mary Ruthven.*
Sir John Stepney, Bart.
=Justinia Vandyke, died 1688.

* Mary, Lady Vandyke, eventually became heiress of her paternal grandfather, and carried the representation of the Ruthvens into the English family of Stepney.

A full and satisfactory *résumé* of all the attendant circumstances is given by the latest historian of Scotland, Dr Hill Burton,[1] from whose conclusions probably few intelligent persons will venture to differ. He considers that "there hardly can be named a crime or act of violence as to which there stands on record so minute and full an examination as there is of 'the Gowrie Con-

[1] History of Scotland, chapter lxi.

spiracy.' . . . The theory that the whole was a plot of the Court to ruin the powerful house of Gowrie, must at once, after a calm weighing of the evidence, be dismissed as beyond the range of sane conclusions. . . . It shows, however, how deep a root this view had taken in the county where the Ruthvens held rule, that, within the present century, Perth has produced three books, written to prove that the Gowrie Conspiracy was planned by King James for the ruin of the house of Gowrie."[1] In alluding to the subsequent discovery of the correspondence between the Ruthvens and Robert Logan of Restalrig, the same author states that it was not until eight years afterwards (1608) that the affair could properly be called a conspiracy, by evidence that its plan was prearranged, and that others had taken part in it besides the two slain brothers. "It may be well," he adds, "to keep in mind that the two Ruthvens were young men—the Earl twenty-four and the Master nineteen years old—and that they had vast power. Seizing upon or kidnapping a king had in that day become almost a constitutional method of effecting a change of ministry in Scotland. The father of the young men had effective possession of King James, and the madcap Bothwell had very nearly accomplished the same good

[1] Calderwood plainly hints at the same view of the transaction. "Upon the fyft of August," he says, "Johne Ruthven, Erle of Gowrie, and his brother Mr Alexander, were slaine at Pèrth in his owne loodging, for attempting a conspiracie against the King, as was alledged, but not beleeved by manie." Again, in the metropolis, the favourite minister, Robert Bruce, and four others, were banished, and forbidden on pain of death to preach, or come within ten miles of the King's residence, on account of their scepticism as to the reality of the conspiracy.

fortune. Then they had the death of their father to avenge, in an age when vengeance was usurped by men, and became a duty: it was said that gratitude for their restoration should have cancelled the injury to be avenged, but their gratitude was not earned by the King."[1] The King's miraculous escape from the dastardly attempt upon his life appears to have elicited an outburst of joy on the part of all classes of his subjects, and the 5th of August was appointed by the Estates as a day of public thanksgiving.[2] The dead bodies of Gowrie and his brother were brought from Perth to Edinburgh, and hung up at the cross as the bodies of traitors, being afterwards beheaded and dismembered on the same day (19th November) that Prince Charles —afterwards Charles I.—was born at Dunfermline.

Only three days previously, the dignity of Earl of Winton had been conferred upon Robert, eighth Lord Seton, the eldest brother of the President, on account of his faithful services, and those of his ancestors, to the House of Stuart. This was the first Scottish patent of Peerage,

[1] Dr Burton expresses very natural regret at the demolition of the picturesque old mansion-house rendered memorable by the Gowrie Conspiracy, and refers to Pennant's description of it as it appeared about a century ago. The author of this Memoir is fortunate enough to possess an admirable water-colour sketch of Perth as in 1790, by J. Donaldson, in which Gowrie House constitutes the most prominent feature.

[2] The following is Calderwood's notice of the anniversary of the King's escape, in the year 1607: "The fyft of August was solemnlie keeped in Edinburgh. The King's skoll [*health*] was drunkin by the duke his commissioner, and some other noblemen, at the croce of Edinburgh, w^h^ was covered for the greater solemnitie. Bacchus was sett up, and muche wine drunkin, and sweete meats cast abroad; muche vanitie and pastyme, beside ringing of bells, and setting on of balefires."

and the only one granted by the King before his accession to the English throne, its phraseology being borrowed from the south side of the Tweed. It refers to the symbolical act of investiture called Belting, or *cinctura gladii*, which, contrary to the ordinary practice, had *preceded* the issue of the patent, the ceremony having been performed with great solemnity at Holyrood, accompanied by the usual creation of knights.[1] Nisbet alludes to the "coat of augmentation" granted on the same occasion, as the earliest example of that heraldic honour—viz., *azure*, a blazing star of ten points, within a double tressure, flowered and counter-flowered *or*, with the motto *Intaminatis fulget honoribus*, "to show the constant loyalty and heroic virtue of the family."[2]

The long reign of turbulence which appeared to culminate in the Gowrie Conspiracy was followed by a period of unwonted peace on the Scottish side of the Border. Family feuds, of long standing, in many instances came to an end, the formal reconciliation of Huntly and Argyle being probably the most remarkable example. The age and infirmity of the "Virgin Queen" had naturally suggested the question of the royal succession, and numerous conferences on the subject were held between the younger Cecil[3] and ambassadors from Scotland as early as the commencement of

[1] See an interesting paper on "Titles of Nobility in Scotland" in the Journal of Jurisprudence for November 1881 (vol. xxv. p. 568.)

[2] System of Heraldry, ii. 64.

[3] Robert Cecil, youngest son of William, Lord Burghley, and founder of the Salisbury branch of the family, succeeded his father in power, on his death in 1598.

the year 1601. The right of the Scottish monarch to the English crown was by no means universally acknowledged. As an alien, he had already been debarred from succeeding to the English estates of his paternal grandfather, the Earl of Lennox, and learned lawyers did not hesitate to hold that the rule which regulated the succession to a part of the kingdom must equally regulate the succession to the whole. The great-grandson of Mary Tudor by her first marriage to James IV. of Scotland, he was unquestionably nearest in blood, and the genealogical doubts which prevailed during the wars of the Roses were no longer entertained. If James VI. had been passed over as an alien, the succession would have opened to Arabella Stuart, the lineal descendant of Mary Tudor's *second* marriage to the Earl of Angus; but the prospect of a peaceful union of the two great divisions of the island, under one head, sufficed to extinguish the alleged legal obstacle. To use the language of Dr Burton, "the clearness of the genealogical claim, and the blessings to be accomplished by its realisation, together took gradual hold of the practical English mind. The doctrine of the common-lawyers was buried in the general approval of the nation. Right or wrong, according to technical logic, King James was to be the accepted King of England."

Queen Elizabeth breathed her last on the morning of Thursday, the 24th of March 1603, declaring before her departure that James the Sixth of Scotland should succeed to her in all her kingdoms. Late on Saturday night, Sir Robert Carey, son of Lord Hunsdon, galloped into the

quadrangle of Holyrood, to announce the important event —a wonderful feat of despatch for the commencement of the seventeenth century.

"The King," he states, "was newly gone to bed by the time I knocked at the gate. I was quickly let in and carried up to the King's chamber. I kneeled by him, and saluted him by the title of England, Scotland, France, and Ireland. Hee gave mee his hand to kisse, and bade me welcome. After he had long discoursed of the manner of the Queen's sicknesse and of her death, he asked what letters I had from the Councill? I told him none, and acquainted him how narrowly I escaped from them, and yet I had brought him a blue ring from a fair lady[1] that I hoped w[d] give him assurance of the truth that I reported. He tooke it, and looked upon it, and said: 'It is enough, I know by this you are a true messenger.'"

The Queen's death was formally intimated by the Lords of the Council on the 25th of March, and on the 5th of April, King James left Edinburgh with a numerous retinue. By a curious coincidence, when little more than ten miles from the Scottish metropolis, he happened to encounter the funeral procession of the Earl of Winton, eldest brother of President Seton. The episode is thus described by Tytler, in the last page of his 'History of Scotland':—

"As the monarch passed the house of Seton, near Musselburgh, he was met by the funeral of the Earl of Winton, a nobleman of high rank; which, with its solemn movement and

[1] The "fair lady" here referred to was Carey's sister, Lady Scroope, to whom the King, some time before, had sent a sapphire ring, which was to be returned by a special messenger as a token of the Queen's death. Carey was created Earl of Monmouth in 1626.—See *Addendum* after last chapter.

sable trappings, occupied the road, and contrasted strangely and gloomily with the brilliant pageantry of the royal cavalcade. The Setons were one of the oldest and proudest families of Scotland, and (the father of) that Lord, whose mortal remains now passed by, had been a faithful adherent of the King's mother; whose banner he had never deserted, and in whose cause he had suffered exile and proscription. The meeting was thought ominous by the people. It appeared, to their excited imaginations, as if the moment had arrived when the aristocracy of Scotland was about to merge in that of Great Britain; as if the Scottish nobles had finished their career of national glory, and this last representative of their race had been arrested on his road to the grave, to bid farewell to the last of Scotland's kings. As the mourners moved slowly onward, the monarch himself, participating in these melancholy feelings, sat down by the wayside, on a stone still pointed out to the historical pilgrim; nor did he resume his progress till the gloomy procession had completely disappeared."[1]

[1] The following entry occurs in the Haddington Presbytery Records, under the date of 16th March 1603: "Ane note maid of Mr Robt. Wallace his conference with my Ld. Setoun—he being sent for by my Lord President for visitation of his Lordship now in his present extreme seiknes—quherein ye Py find he dischargit ane honest pastoral dewtie, in visiting comforting and attending on his Lordship. The Presby also thinking it a part belonging to yair duty, takes occasioun to visit his Lop., by a committee of yair number, both anent his own personal estait—especially concerning ye disposition of his soul and conscience towards God—and his religioun; and agree to go to him on Monday first."

It will be observed that the Earl of Winton is erroneously described by his former title of Lord Seton. Mr Robert Wallace, previously of St Andrews and Glenluce, was appointed minister of Tranent in 1602, and waited on the King at Haddington, on the occasion of his journey to London in April 1603. He was one of the forty-two ministers who signed the protest to Parliament against the introduction of Episcopacy in 1606; and in 1617 died of grief at the prospect of changes in the Church, lamenting the fate of Calderwood.—See Scott's Fasti, i. 358. Numerous other entries relative to the supposed Popish tendencies of the Seton family, etc., appear in the same records during the fifteen preceding years.

The royal route was by way of Berwick, Newcastle, Durham, York, Doncaster, Newark, and Theobalds, the noblemen and gentry of every county convoying the King through their several shires. On the 7th of May his Majesty entered London, having been met at Stamford Hill by the Lord Mayor, the Aldermen, and five hundred citizens, "all in chaines of gold and weill mounted." Notwithstanding the prevalence of the plague, the coronation was celebrated at Westminster with the accustomed rites, on the 25th of July, the sacred oil being poured upon the King and his consort by Whitgift, Archbishop of Canterbury.

The births of the three surviving children of James VI. occurred at the dates specified in the following statements:

"Quene Anne, oure noble Princes, bure her first sone in the castell of Sterling upon Tyisday the 19th day of Febuar (1593-4), and he was baptesit in Sterling be the naymis of Henrie Frederik, and installit Prince of Carrick."

"The 15 day of August (1596), the Queyne was delyverit of a ladie in Falkland, and baptesit be the nayme of Elizabeth."[1]

"Duc Charlis, the King's sone, was borne (at Dunfermline) the 19th day of November (1600), and was baytesit the 23 of December, and installit Duc of Albanie, Marquise of Ormont, and Erle of Rosse."

In the first edition of Sir Robert Douglas's 'Peerage of Scotland,' it is stated that "upon the birth of Prince Henry, in 1593, President Seton was intrusted with his tuition till

[1] Other authorities make the date the *nineteenth* of August, and the place *Dunfermline*.—See Henderson's Annals of Dunfermline, p. 731. The "First Dochtour of Scotland" was godchild of Queen Elizabeth.—See quaint passage at p. 127 of Moysie's Memoirs of the Affairs of Scotland.

he went to England, anno 1603." The Prince is usually represented to have been committed to the care of the Earl of Mar, while President Seton undoubtedly had the charge of his younger brother Charles, afterwards Charles I. From the acknowledgment by the King, under the Great Seal, to the Earl of Mar, of his care and fidelity in the tuition of Prince Henry, dated 28th June 1603,[1] it appears that the young Prince was intrusted to Lord Mar "in the year of our Lord 1596;" and accordingly, it is quite possible that, during the first three years of his life, he may have been under the charge of President Seton. When the child was placed in the hands of Lord Mar, he was strictly enjoined, in the event of the King's death, not to deliver the Prince to the Queen or the Estates, till he had reached the age of eighteen years; and Lord Mar's connection with Prince Henry was afterwards the cause of some disquietude between his royal parents, the Queen having the impression that Mar had charged her with "papiste or forrine practise." The King left Edinburgh in so sudden a manner that he had no opportunity of seeing his children before his departure. He accordingly indited an epistle to his eldest son (then in his tenth year), which is preserved in the British Museum, and which contains some very excellent advice. In alluding to his own accession to the English throne, he counsels the young Prince not to be proud or insolent.

"A King's sonne and heire was ye before, and na maire are ye yett; the augmentation that is heirby lyke to fall unto you, is

[1] Crawford's Officers of State, Appendix, No. XXXIII.

but in caires and heavie burthens; . . . choose nane to be yair playe fellowis but thaime that are well borne . . . looke upon all Englishemen that shall cum to visite you as upon youre loving subjectis, not with that ceremonie as towardis straingeris, and yett with suche hartines as at this tyme they deserve."

After alluding to his "booke laitlie prentid"—the 'Basilicon Doron,'—of which a copy accompanied the letter, he concludes by enjoining the Prince to be diligent in his studies and obedient to his master; "for in reuerencing him ye obeye me and honoure yourselfe."

After the King took up his abode in the English metropolis, Lord Fyvie's communications became very frequent, and almost invariably refer to matters of interest and importance. Probably one of the earliest of these is the letter which he addressed from Edinburgh to Sir Robert Cecil, "Principall Secretair to his Ma^tie^ in the estate off Ingland," on the 5th of April 1603—the very day on which the King left Edinburgh, and twelve days after the death of Queen Elizabeth.[1] Referring as it does to the very recent change of circumstances effected by the union of the Scotch and English Crowns, the letter is

[1] For this and other letters addressed by Lord Fyvie to Cecil, to be afterwards referred to, I am indebted to the courtesy of the Marquess of Salisbury (Cecil's distinguished representative), in whose valuable collection of MSS. at Hatfield the letters are preserved. So far as I am aware, none of them have hitherto been published. Most of Seton's other letters are from the interesting collections of Letters and State Papers during the reign of James the Sixth, and the State Papers and Miscellaneous Correspondence of Thomas, Earl of Melros (afterwards of Haddington), printed by the Abbotsford Club, and other comparatively inaccessible sources.

possessed of peculiar interest. Its tone and scope are highly creditable to the Lord President—for Lord Fyvie was still the head of the College of Justice—and not being a very lengthy communication, I do not hesitate to give it entire.

"I have thocht meit to wryte this to y^{r} lo. at this tyme seing wee ar now all united in ane nation, and onder ane sovereign, quhairin y^{r} wisdome, following the right ordonance off God and lawis off nations, is thocht to have had na small pairt. As I have eiver in my hairt honorit and accoumptet off the verteuis and rare qualities y^{r} lo. is raportit to be endewed with, sua now I desyre at leist be letters to be acquainted with y^{r} Lo. and to have suim certantie be y^{r} lettres that I may luike for the like guid will and favour of y^{r} Lo. in all my occurrencis, as yie use to extend to thame, quho professis sincere and faithfull freindsheip to yiow, and wisshing na thing mair, nor the weill, quietness, and wealth of thair commoun weill. I will trubill y^{r} Lo. with no farder at this tyme, bot to pray yiow, as yie have done y^{r} pairt in the union off the kingdomes, tua be cairful to have sic ordour satlit amangs us, that thair be no occasion off onye breake heirafter. I putt na doubt but y^{r} Lo. credict with the K. Ma$^{tie.}$ our maist gracious soverane, will be na less bot rather greatar nor eiver it was with hir Ma$^{tie.}$ off worthie memorie, so I onderstand yie have deserved, so I beleive his Ma$^{tie.}$ thinks off it, and so I wish it; farder I do raport me to this berar, and his sufficiencie. This wissing yiow all felicitie frome above, and taking my leive, I reste y^{r} Lo. maist affectionat alwayis to be commandit, FYVIE."

The King's own anxious desire to bring about a good understanding between his subjects on the two sides of the Tweed, is quaintly expressed in a letter which he addressed from Hampton Court to the Lords of the Privy Council of Scotland, on the 12th of January 1604, in which

he says: "Oure princelie cair mon be extendit to sie thame joyne and coalesce togiddir in a sinceir and perfyte vnioun, and as two twynis in ane bellie love ane another as no moir twa bot ane estate."

When we remember that, even at the present day, the amalgamation of the two countries is still very far from complete, no one need be surprised to learn that, in the early years of the seventeenth century, strong prejudices against the union were entertained on both sides of the Border. Probably these prejudices were more openly displayed by the southrons than by the natives of North Britain, and many of the songs and squibs which appeared in England were of a very gross and scurrilous character. The following pasquinade, published by Ritson, in his 'North Country Chorister,' is free from both of these blemishes, and may be given as a specimen of good-natured banter:—

"Bonny Scot, we all witness can,
That England hath made thee a gentleman.

Thy blue bonnet, when thou came hither,
Could scarce keep out the wind and weather,
But now it is turned to a hat and feather,
Thy bonnet is blown the devil knows whither.

Thy shoes on thy feet, when thou camest from plough,
Were made of the hides of an old Scots cow,
But now they are turned to a rare Spanish leather,
And decked with roses altogether.

Thy sword at thy —— was a great black blade,
With a great basket hilt of iron made,
But now a long rapier doth hang by his side,
And huffingly doth this bonny Scot ride.
Bonny Scot, we all witness can,
That England hath made thee a gentleman."

The oft-quoted saying, "those who live in glass houses should not throw stones," originated at the Union of the Crowns, when London was, for the first time, inundated with Scotchmen. Jealous of their invasion, the Duke of Buckingham organised a movement against them, and parties were formed for the purpose of breaking the windows of their abodes. By way of retaliation, a number of Scotchmen smashed the windows of the Duke's mansion, known as the "Glass House," in Martins Fields; and on his complaining to the King, his Majesty replied: "Steenie, Steenie, those wha live in glass houses should be carefu' how they fling stanes."

On the 29th of April 1603, Lord Fyvie writes to the King from Edinburgh respecting the health of Prince Charles, and the disturbances among the clans of the Western Highlands, which he appears to have regarded as intolerable pests. He speaks of the young Prince as

"that precious jewell it pleasit your hieness to credict to my keiping, quha is (praisit be God) for the present at bettir health far then he was, and, to mak your maiestie mair particular accoumpt, eats, drinks, and uses all naturall functions as we wald wiss in onye child off his graces age, except that his nights rest is nocht as yit sa sound as we hoipe in God it sall be shortlie. The greate weaknesse off his bodie, after so lang and heuie seikness, is meikill suppliet be the might and strenth off his spirit and minde: I will assure your maiestie he luiks als statlie, and bearis als greate ane maiestie in his countenance, as could be requirit of onye prence, albeit four tymis aboue his age."

A month later (30th May), the President reports his proceedings in connection with the dispute already re-

ferred to between the Queen and the Earl of Mar respecting the custody of Prince Henry, in which matter it would appear that both Seton and Sir Thomas Hamilton, the Lord Advocate, were disposed to take the part of her Majesty. In the same letter, he again refers to the state of Prince Charles's health. "Your sacred maiesties maist nobill sone Duik Chairles contenewis, praisit be God, in guid healthe, guid courage, and loftie minde, althoght yet weak in bodie; is beginnand to speik sum wordis—far better as yet off his minde and tongue nor off his bodie and feite. Bot I hope in God he sall be all weill and prencelie, wordie of your maiestie, as his grace is jugit be all werye lyke in lineamentis to your royall person."[1]

The President concludes with a very earnest and quaint appeal for the due maintenance of the College of Justice and the careful selection of properly qualified judges.

"Ane thing restis to me," he says, "quhilk I man tak the baldness to recommend unto your maiestie as I haue oft done off before, that is your hieness Session and College off Justice, the speciall sponk off light, and fondament off your maiesties estait, and now the only ornament off this land. I man requeist your gracious maiestie to be cairfull off the honorabill maintenance and preservation thairoff, for gif it decay in onye sorte, I will assure your hieness, your royall authoritie and obedience in this realme will participat off all the accidents may onye wayis befall to that saitt off justice: and because it is now presupponit be monye, your maiestie is to reteine thair suim of our numbir, in

[1] In his early years, Prince Charles showed considerable feebleness in his lower extremities; "but in the flux of time, and when he began to look man in the face, those tender limbs began so to consolidate and knit together, as the most eminently famed for exercises of honour were forced to yield him up the garland."—Reign of King Charles: London, 1655.

case sa be, and that your grace be to supplie thair places with others, I wald your maiestie remembrit off that guid and nobill act, deuisit and sett doune off your hieness awin deuyss, for preseruation off the integritie off that houss, that na dimission sould be resauit in fauorem, bot pure and simpill, and quhen eiuer onye place sould vake in onye maner, your maiestie sould present at leist three off the best qualified persons to be tryit be the Lords, and the wordiest resauit."

Early in the year 1604, Seton was appointed Vice-Chancellor, and also a commissioner for the incorporate union then projected between England and Scotland. Two of his letters to Cecil (now Viscount Cranborne) are embraced in the Hatfield collection, respectively dated 1st February and 14th March 1604, in the first of which the Scotch Vice-Chancellor apologises for troubling the English Secretary with his "booke past and signed alreadie be the attorney, my Lord Theasaurer, and Chancelar off the Duchie," for the purpose of its being authenticated by the King's signature; and attributes the circumstance of his having tarried longer in the north than others, to the courtesy, favour, and good entertainment which he had so largely experienced, as to have been almost made unmindful of all "dewties and affaires." In the second letter, written at Dunfermline, after commending his "speciall guid friend," Mr Alexander Hay[1]—the bearer of the missive—to Cecil's kindly offices,

[1] Younger son of Alexander Hay of Easter Kennet (a cadet of the House of Errol), and a Senator of the College of Justice. He held the office of Clerk of Session till 1608, when he succeeded Lord Balmerino as Secretary of State. In 1610, he was raised to the Bench, under the title of Lord Newton; and two years afterwards became Lord Clerk Register, an office which had also been held by his father. He died in 1616.

Seton thus refers to the tranquil state of Scotland, and the all-absorbing question of the Union :—

"Our estait heir for the present is als calme, quiet, and onder als parfite obedience, as eiver I remembir to have seine the same; but [*without*] onye other apeirance for onye thing I can parsave. This union is the maist at this tyme off all mennis thochtis and speichis, I find nane off any accoumpt heir bot glaid in hairt to embrace the same in generall; suim suspectis the particulair conditions may engendre greatar difficulties; I hoipe the wisdome off the prence quha is baith the ground and the cornarstane off this happie union, with yr Lo. and other wise and weill affected mennis assistance, sall goe about and sett by all sik difficulties. As also I think thair can be na particular condition desinit for weill off ane off the twa nations, bot the same maie be profitabill for the other, nor nathing can be prejudiciall to onye off the twa, bot the same may be lykwayis hurtfull to the other; albeit it war in na other respect bot be the distracting off thair dew concord and amytie, quhilk all guid and wyse men will think off greatar consequence and awaill, nor onye particulair may be subtillie cassin in [*defeated?*]. This is all I can wryte to yr Lo. eivin off our thochtis heiraway; I doubt nocht bot thair is divers apprehensions thair also off the same subject."

From the following curious letter, addressed by Sir John Crane[1] to the Mayor of Leicester, and still preserved among the records of the Corporation of that historical town, it appears that the Duke of York (afterwards Charles I.), accompanied by Lord Fyvie, spent a day and a night at Leicester, in August 1604. The young Prince must have been attended by a considerable retinue, seeing that the required sleeping accommodation amounted to twelve beds,

[1] A John Crane was Comptroller of the Works and also interim Governor of Berwick in 1603.—Border Correspondence in the Record Office, London.

and the beer to seven hogsheads. We may presume that the "pewter" referred to in the letter embraced a suitable supply of tankards for the consumption of the liquor. The letter is dated from Worksop in Nottinghamshire, which was probably the previous resting-place of the royal party.

"S^{r}, I ame to advertis yo^{u} that on Wednesday the xvth of this instant, Duke Charles, the Kings Ma^{ts} second sonne wth my Lo. of ffyvie, Lo. P^{r}sident of the Sessions in Skottland, who hath charge of his Grace, entendeth to bee at Lecester, whear thaye mean to rest Thursday all day, and on ffriday after dinn^{r} to goe forwards on their Jornye, ffor which cause theise are in his Ma^{ts} name to require yo^{u} to make choice of a sufficient house for the lodgine of the Dukes Grace wth the Lo. P^{r}sident whearin ther must be xij bedds, wth all nessicaries for a Kytchine, and y^{t} their bee vij hogsheads of Beare layed in the same house, for the w^{ch} yo^{u} shall have satisfaction; for pewter and lininge his Grace must be furnished wth from yo^{u}; before his cominge their shal bee one sent for the making of provision, unto whom I would, if hee find it nedfull, he maye have yo^{r} assistance. Thus, not doutinge of yo^{r} care hearin, I byd yo^{u} hartelie farewell. — Yo^{r} lovinge ffrend, JOHN CRANE.

"ffrom Worsop, the ix of August, 1604.

"To the Right Wo^{ell} the Mayo^{r}, Lecester, or in his absence to the Aldermen of the same, give theise."

The Mayor immediately despatched a messenger to Sir William Skipwith to procure his town mansion for the use of the Prince and his attendants, which was prepared for their reception. The house was decorated with fresh boughs, with which it was long customary to hang the walls of rooms for perfume and coolness during hot weather, while the floors were strewed with rushes and green leaves.

Pewter and linen were borrowed, as on the occasion of the Queen's visit, bedding and furniture being removed to Sir William Skipwith's mansion from the Recorder's chamber at the Guildhall. The Prince arrived on Wednesday the 15th of August, and remained until after dinner on Friday, when he departed for Dingley, *en route* to London. During his stay, the Corporation provided a "banquet," besides several gallons of sack and other wines, and a sugar-loaf. A gift of Rhenish wine and claret was made to a certain Mr Grimes,[1] who had the charge of the King's horses; and twenty shillings were given to his Majesty's trumpeters. The royal attendants, as on the former occasion, evinced a disposition to make the most of their opportunity, without respect for the rights of property; as it appears that, after their departure, the Corporation had to pay for certain "Flanders fruit dishes," which were provided along with "divers sorts of banquetting dishes," some of which were broken, and the rest carried away by the Duke's officers and followers. A portion of the pewter and linen which had been borrowed was also abstracted by them; whilst some one actually stole the bolster belonging to the Recorder's bed! A most unworthy return to the good town of Leicester for its generous hospitality! It is to be hoped that the Prince's worthy guardian—"the Lo. Prsident of the Sessions in Skottland"—knew nothing of the villany of his attendants,

[1] The "Mr Grimes" here referred to was Richard *Graham*, gentleman of the horse to James VI., created a baronet in 1629, and grandfather of Richard 1st Viscount Preston, whose present representative is Sir Robert-James-Stuart Graham of Esk, Bart.

who perhaps considered that the inhabitants of Leicester would overlook the barefaced pillage, in grateful recognition of the honour conferred upon them by the royal visit.

At the date in question, the youthful Prince had not completed his fourth year. In his Continuation of the 'History of the House of Seytoun,' Lord Kingston states that, on the departure of the King and Queen to England, in 1603, they committed the custody of Prince Charles to President Seton—adding that "he keeped him in his house three years, and carried him into England himselfe, by land, to the King and Queen's majesties, well and in health; for which faithfull service the King's majestie was thankfull to him." It would appear, however, from the terms of Cecil's "Minute" of 12th May 1605—to be afterwards referred to—that Lord Kingston's statement as to the period during which the Prince was under the President's care cannot be correct. Possibly he may have been intrusted to Seton's custody, when a mere infant, in 1601; in which case the visit of 1604 was probably the occasion on which the President surrendered his royal charge.[1]

Shortly after Seton's appointment to the office of President, several important Acts of Sederunt were passed relative to the "presentation and admission" of the Ordinary Lords of Session, the daily extracting of "Actis and Decreetis," the duties of Macers, etc. One of the shortest and quaintest of these is in the following terms:—

"17*th June* 1593.—The quhilk day, the Lordis of Consale statutis and ordainis, in tyme cuming, that ane of the ordinar clerkis of Sessione sall daylie wraitt the Lordis sederunt, the tyme

[1] See *Addendum* after last chapter.

of the ringing of thair bell at nyne houris, and the bell having ceissit, the sederunt buke sall be presentit to the President, quha, with his proper handwritt, sall clois ilk dayis sederunt, writand *una cum* and the Lordis quha cumis efter the bell beis ceissit; and the sederunt sua closit be the President as said is, thair names sall be insert and written in the sederunt bukes be the clerkis, bot sall get na pairt of the ordinar contributioun, quott and sentence silver, with the remanent Lordis, the tyme of thair division for sa mony dayes, as it sall happin ony of thame to be insert and markit efter *una cum*."

Under the date of 11th June 1594, an interesting Latin entry appears among the Acts of Sederunt respecting the ancient alliance between France and Scotland, and the mutual privileges of the natives of the two countries. About ten years later (11th January 1604) the record contains a series of elaborate directions from the King regarding the despatch of business in the Court of Session, and other kindred matters, which were doubtless inspired by President Seton's appeal a few months previously.

In the list of commissioners for the proposed Union, on the part of Scotland, we find the names of "Alexander, Lord Fivie, President of the Counsell of Scotland," and "Sir Thomas Craig of Writchisland, Knight, Lawyer," of whom the former was selected, along with Lord Cranborne (Robert Cecil), to prepare a preface for the instrument of Union, the body of which was to be put into shape by Bacon and Sir Thomas Hamilton, the Lord Advocate.[1]

[1] Spedding's Letters and Life of Francis Bacon, iv. 43. In the same work (iii. 98), in his Discourse on the Union of Kingdoms, Bacon refers to two conditions of perfect mixture; "whereof the former is Time: for the natural philosophers say well that *compositio* is *opus hominis*, and *mistio, opus naturæ*.

CHAPTER IV.

PROMOTED TO THE OFFICE OF CHANCELLOR, AND ADVANCED TO AN EARLDOM.

1605-1609.

ABOUT the beginning of October 1604, the Earl of Montrose, Lord Fyvie, and the other Scottish Commissioners proceeded to England, and there conferred upon sundry matters which concerned the Union. In order that this favourite measure of King James might secure the full benefit of Seton's legal knowledge and political sagacity, the Earl of Montrose (Thirlstane's successor) was persuaded to resign the office of Chancellor,[1] which was bestowed upon Seton. In alluding to the appointment, Crawford states that Lord Fyvie "was fully able, by his wisdom and learning, to support the honour and dignity of Scotland, in relation to the treaty of Union, especially in matters of

[1] On the ides of December 1604, the Earl of Montrose was appointed Viceroy of Scotland—*Supremus regni Scotiæ procurator.* According to Scotstarvet, the following line was inscribed in the Sederunt Book in allusion to Montrose's want of learning:—

Et Bibulo memini consule nil fieri.

law, which no man better understood, or could more solidly apply."[1] Seton's successor in the office of President of the Court of Session was James Elphinstone, Secretary of State, a younger son of Robert, third Lord Elphinstone, who, shortly before, was himself raised to the peerage under the title of Lord Balmerino.[2]

On the 3d of November 1604, Lord Fyvie writes to Cecil from Whitehall. The document which he returns is the well-known treaty adjusted in London, on the 1st of July 1543, for the marriage of Prince Edward (afterwards Edward VI.) to Mary Queen of Scots; and the reference to the conditions of the union between Castille and Portugal is one of many indications of Seton's historical learning.

"My werye honorabill guid Lord, I rander yr Lo. with maist hartlye thanks the treatie off Mariage betwix prence Edward and Queene Marie off Scotland, with sik other treaties joyned thairto. Because at our last meiting at Counsall anent the materis off custume, I thocht y^r^ Lo. was off opinion that the cuistuimis doeth continew betwix the kingdomes off Castilia and Portugall, quhat be in y^t^ mater I know not certanlie. Bot in the historie off that unioun, writtin be Conestaggio Genevois in Italien, concerning the offris maed be the Duc off Osuna, thir ar the wordis in the Latin translatioun about the end off the fourt buke:—

'*Ut ad utilitatem subditorum et totius Regni, et ad augenda commercia et familiaritatem cum Castellanis, Rex tollat vectigalia*

[1] Officers of State, p. 156. Eight years previously (1596), Seton's appointment to the Chancellorship seems to have been contemplated.—See Spottiswood's History of the Church of Scotland, p. 413.

[2] Lord Balmerino held the office of Lord President for little more than three years, having been suspended and succeeded by John Preston of Fentonbarns (son of a baker) in 1608. Four years afterwards, he died of a broken heart. At Preston's death, in 1616, he was succeeded by Thomas Hamilton, Lord Binning, afterwards Earl of Haddington, and familiarly called "Tam o' the Cowgate."

ab utraque parte, et merces libere transportentur, sicut fiebat ante quam ejus modi portoriæ instituerentur.'

"This was offrit to the Portigallis before the warre, with divers other guid conditions subscrivit be the king off Spane and the said Duc off Osuna, was nocht then resavit; *Bello confecto quid victis concessum*, I have na certantie. I onderstand the same conditions was almaist all grantit in Generall, with suim limitations addit by the Counsall off Spane. Quhen yr lo. lasour may serve i will be glaid to have suim leitill Conference with yr lo. anent the propositioun to be conferrit on at our nixt meeting in the treatie off unioun. Sua committing yr Lo. to Goddis holye protectioun restis—Yr Lo. maist humbill and affectionat to be commandit,

"FYVIE.

"Quhythall, 3 Novembr 1604.

"To my werye honorabill guid Lord my Lord Vicounte off Cranburne."

Lord Fyvie appears, on this occasion, to have remained for about five months in England. His return to Scotland is thus chronicled by Calderwood: "The last of Februar (1605), the chanceller, who before was president, came to Edinburgh out of England, convoyed with manie people of all rankes. No subject was seen before to come accompanied to Edinburgh after the maner."

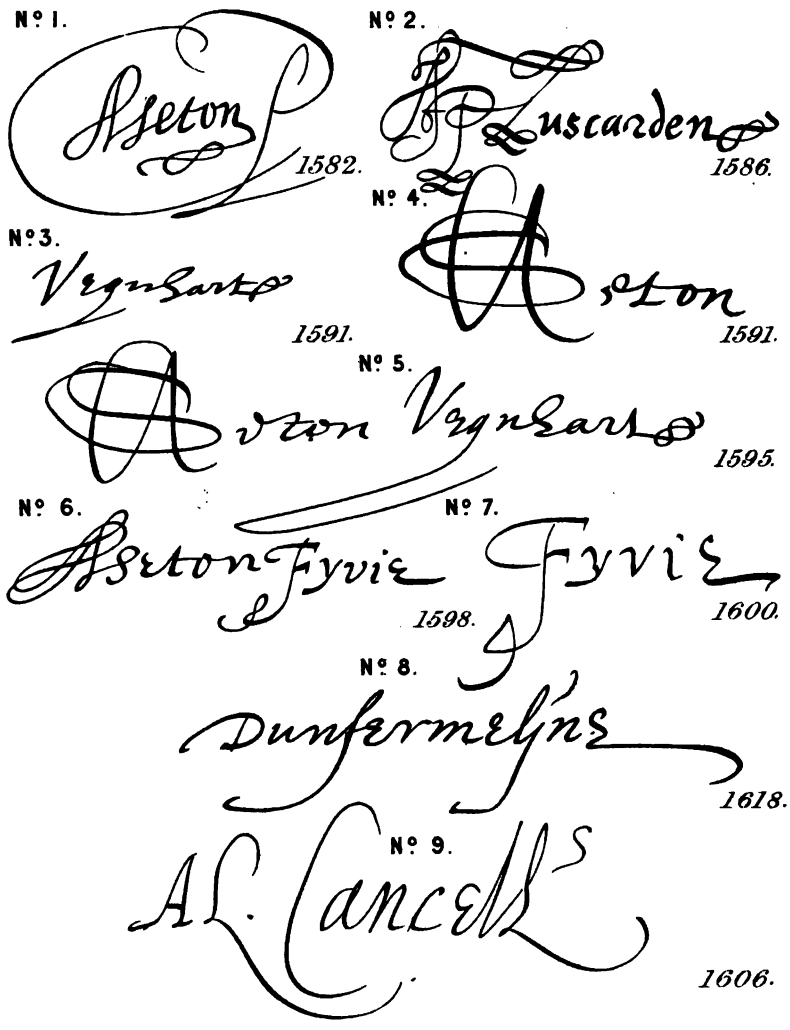
A few weeks before leaving London (9th January 1605), Lord Fyvie indites another short epistle to Cecil, in which he speaks of the "particular favour quhilk it has pleasit his gracious Matie to bestow on me, mair be yr Lo. favorabill procurement, nor onye desert or sute off my awin"—an obvious allusion to his promotion to the office of Chancellor. He also entreats the English Secretary "to speake to his Matie

before his departour, for the despeche off my besiness, in sik maner as y^r^ Lp. sall think meitest, for I lippen that hallie to y^r^ Lp. mair nor to onye other middis [*means*] or mediation, and will think me self debtour to y^r^ Lp. for the same."

Almost immediately after his return to Edinburgh (3d March 1605), the Chancellor informs the King that, having arrived "within this twa dayis," he found the Council and Session sitting, and "the estait of the toun (thanks to God) rasonabill, guid, and free off sikness or contagion, albeit nocht without suim remanis off suspicioun, and suim leitill new infections spreiding about, quhilk be God's grace *and magistrates diligence* I hoipe sall be helpit." The concluding sentiment reminds us of a modern statesman's significant reply to the Presbytery of Edinburgh, when they proposed the appointment of a national fast, on the occasion of a threatened outbreak of cholera.

In the same letter, the Chancellor refers to the long-standing feud between Lord Maxwell and the Johnstons, and to the contemplated "creatioun of the Earlis"—himself being one of the number—on the following day. Accordingly, on the 4th of March 1605, Lord Fyvie was advanced to the dignity of Earl of Dunfermline—the destination being to himself and his heirs-male—while, at the same time, Lords Home and Drummond were respectively promoted to the Earldoms of Home and Perth. On the 23d of March, the Chancellor writes to the King from Edinburgh, under his new title,[1] reporting the proceedings of

[1] While the earlier letters are invariably signed "Fyvie," the subscription of the later ones appears under at least three different forms—viz., "Dunferme-



SIGNATURES OF CHANCELLOR SETON.

All the above Signatures are from documents in H.M. General Register House, Edinburgh, with the exception of Nº 2, which is taken from a Grant of Fishings in the Spey, at Duff House.

the Council in the trial of Alexander Cheyne for assault—the culprit having ultimately admitted perjury and subornation of witnesses. He assures the King that "the counsall tuke great paynes in tryall of this mater, and your hienes aduocat was als strait and quicke as onye man could be." About a month later (20th April), he acquaints his Majesty with the steps adopted in connection with the case of the Marquess of Huntly, and refers with satisfaction to the general tranquillity of the country.

Among the Hatfield papers is an interesting document, consisting of a draft, with corrections, in Cecil's handwriting, and endorsed "1605, May 12, Mynute to the Lord Fivye;" from which it would appear that the intelligence of Seton's elevation to the Earldom of Dunfermline had not then reached London. The tone of the communication clearly indicates the "goodwill and frendshipp" which prevailed between the two distinguished statesmen, and the occasional occurrence of Latin phrases is characteristic of the period. Owing to the length of the "Minute," I shall only quote the first and concluding portions. The omitted passage relates to the contemplated transportation of 1500 Scottish volunteers to Spain, through the instrumentality of the Earl of Home, and to the great military enterprise in which the Dutch were then engaged against the town of Antwerp.

lyne," "Al. Dunfermeling," and "Al. Cancell^{r}." Prior to 1598, Lord Dunfermline's subscription seems to have been "A. Seton," "A. Seton P." (Prior), "A. Seton Vrqvhart," or simply "Vrqvhart," and occasionally "A. Pluscarden" and "A. Seton Fyvie."

"*Minute to Lord Fyvie, Cecil Papers,* 190-79.

"My very good Lord,—Seeing it must be allwayes a great contentment to those whom Princes honour with publicke Magistracy to receave assurance each from other, whyle they remayne farr asonder, of general peace and obedience where they dwell, it cannot but much encrease the contentment, when such Ministers, whom frendship hath conjoined in straict bonds, may begynn and end with theise woords, *Omnia bene.* Wherein seeinge soe much is expressed as there need the feawer particulars, I will for the present, as well because I write to one *Cui verbum sat est,* as in respect of some other distraction of business, spare any more circumstances then such as may in some measure requite you for your advertisement of the setled pollicy of that estate, and retourne you thankes for your soe kynde acceptation of my good will and frendshipp. Concerninge the state of those whom we call Puritanes, it is trew that divers violent spiritts uppon the comminge forth of the Cannons have sought, some by petitions in combination, some by other private mediations, to importune the kinge, with all the motives possible, to dispence with unconformity. Wherein although his Ma^{ty} hath temperately proceeded even with greatest offendors, yet hath he made his owne constant and understanding judgment so appeare, in pressing a resolytion to establish that uniforme disciplyne in his Church, which may take away that scandall of division amonge our selfes wherat the common adversarye maketh benefitt, as those whoe weare made beleive by some that they should be denyed nothinge, which they could press with any show of discontentment, have now perceaved soe well their errour, as I may say to you as you writt to me, that what soever comes to your eares of that nature, with any shew of perill to the estate, hath gotten more feathers in the flying, then it carryed out. . . .

"There remayneth now noe more for me to saye at this tyme, but that which I shall ever joye to speake and you to heare, which is that his Ma^{ty}, by his wise and just proceedinge, multiplyeth

the affections of his people, that his posteritye dayly grow and prosper beyond expectation, amonge which I know you will thanke me for nothinge more, then that I may perticularly assure you of the perfect health of that pretious Jewell the D. of York whereof you had the charge. Wherin I pray you to beleive how wellcome soever it is to me to fynde your Lps. valuation of me and my frendshipp, that I acknowledg your owne meritt so great, and know so much of his M^ys owne gracious opinion of the same. And so with my kind commendation to my L. Heer I end.—Your etc."

On the 22d of June 1605, Lord Dunfermline writes a characteristic letter to the King, in which he refers, among other matters, to an affray in the High Street of Edinburgh between the Lairds of Edzell and Pittarro. The fight in question lasted from nine o'clock at night till about two in the morning, several of the combatants being injured and one man killed.[1] The letter begins with a somewhat formal statement as to the principal duty of him "wha has the honour to beare charge in the Cowmonwealthe" being rather "proffitable actiounes" than either "guid speitches or tymous wrytts"—"the consideratioun

[1] These street broils appear to have been of pretty frequent occurrence in the beginning of the seventeenth century. Only three years after the affair mentioned by the Chancellor, a somewhat similar affray took place in the very same locality. In the year 1596, James Douglas, Lord of Carlyle and Torthorwald, killed Captain James Stewart, formerly Earl of Arran, and Chancellor of Scotland, on the score of his rigorous procedure against his uncle, the Regent Morton; and twelve years afterwards—viz., on the 14th of July 1608—(as recorded on a slab in Holyrood Abbey,) he was slain, at the age of forty-eight, on the High Street of Edinburgh, by William Stewart, the nephew of Captain James, who ran him through the body with his sword, killing him on the spot.—See Notice of incised slabs at Holyrood Abbey, by the author, in the fourth volume of Archæologia Scotica.

whereoff (most sacred souerayne)"—the Chancellor continues—"as it hes ewer mowed me to preiss and indevoir myselfe, rather to do than to say weele, and to be mair ernest in doing than busie in writting; sa now, lykwayes, it furneisses me baldness and reason to excuse myselfe at your maiesties handis, gif, perhaps I haue ather seymit, or heirefter may appeir to your maiestie, to be slaw in vritting, or sending adwerteismentis off all particulars." Notwithstanding the apology for his "slawness in vritting," probably some readers will feel disposed to regard the Chancellor as a tolerably voluminous correspondent. Almost every letter, however, which he writes, helps to throw some light upon his character; and no doubt many others, besides those which I have been able to produce, might still be found in the repositories of the descendants of the persons to whom they were addressed.

In the summer of 1605, Mr John Forbes and certain other ministers were "warded" in Blackness Castle, in consequence of their connection with a convention held at Aberdeen in contempt of the King; and Calderwood informs us that "within two days after the brethren were imprisoned, the pest breaketh out in Edinburgh, Leith, St Andrews, and other parts." This, of course, is intended to indicate an exhibition of divine vengeance for the sufferings of the Kirk; and the historian adds, as a special instance of retribution, that "the chanceller's hous was infected; his eldest sonne and his brother's daughter, a young damosel, died.[1] A byle brake furth on his owne daughter. He was

[1] Charles Lord Fyvie, born in 1604, eldest son of the Chancellor, by his

forced to dissolve his familie. He was beaten by the curse pronounced by Joshua upon the builders of Jericho"! Writing to the King in October 1606, after an allusion to the prevalence of the plague, Lord Dunfermline refers as follows to his own experience. "Some domestic afflictioun," he says, "is fallin on my selfe, whilk I can nather dissemble, nor will denye, bot greives me mightelie; gif it war otherwayes, I war onnaturall, senseless, and owir stoic. I hope alwayes it shall diuert me from naa poynt of my deutie in your sacred maiesties serwice." The same subject forms the burden of another letter to the King from Dunfermline, on the 30th of October. "In all the corners of this Kingdome," he writes, "this contagious siknes is sua spreadde, that nather broughe nor land [*burgh or landward*] in onye pairt is free.

'Mista senum et juuenum densantur funera.'

The tounes of Air and Striveling ar almoste desolat."[1] On the same day, he writes more fully regarding the epidemic to "The Right nobill my werie hon^ble^ good Lord, Lord Ellismeir, Lord heiche Chancellor off England." After a complimentary introduction, embracing a reference to gratifying letters recently received from the English Chancellor, Lord Dunfermline says:—

"The estaite of this Kingdome in quietnes, obedience, and all other respects, is indeed better (thankes to God) at this present,

second wife, Grizel Leslie; while the "damosel" was probably a daughter of Sir John Seton of Barns.

[1] The plague appears, from various sources, to have been almost stationary in Scotland for about six years, 1603-9.

nor it hes bene seene in ony leving mennes rememberance. The onlie truble we haiff is this contagious sicknes of peste, qhilk is spread marvelouslie in the best tounes off this realme. In Edenbrught it hes bene continuale this four yeares, at the present not werie wehement, bot sik as stayes the cowmoun course of administration off justice, whilk cannot be weill exercised in naa other plaice. Air and Striveling ar almost overthrowin with the seiknes, within thir twa monethes about twa thowsand personnes dead in ane of thame. The maist of the peple fled, and the tounes almoste left desolat. Dundie and Pearthe, otherwayes called St Jhonstoun, the twa best tounes in this kingdome nixt to Edenbrught, wearie wealthie and merchand tounes indeed, ar baithe also infected within theis twa monethes, and in great truble. Glasgow and manye other tounes and partes ar in the same distres; God of his mercie remove the same."

For further information he refers Lord Ellesmere to Mr Alexander Hay, Clerk of the Council and bearer of the missive—"ane werie honest and weill qualifeit man alwayes, and I assure your Lop. ane great admirer and honorar off your Lops. wisdome and all other wertewes, whilkes he thinkes schynes in your Lop. bye all other subjectes he has eiver knowen."[1]

In these later days, when the population of Glasgow is considerably more than double that of the Scottish metropolis, it is somewhat difficult to realise the curious fact indicated by the Chancellor, that, in the beginning of the seventeenth century, Dundee and Perth were "the twa best tounes in this kingdome nixt to Edenbrught."

Calderwood gives a detailed account of the subsequent

[1] From the Egerton Papers, the Property of Lord Francis Egerton, afterwards Earl of Ellesmere, published in 1840.

procedure relative to the rebellious ministers already referred to, who were brought before Mr William Hart, justice-depute, and the lords of council as assessors; and after elaborate pleadings, the justice-depute "gathered the votes on the one side, and Chancellor Seton on the other side. The votes were delivered by rounding [*whispering*] in their ear, which was beside the order observed in matters of small importance and to the greatest malefactors. It was reported by some counsellers that none consented to the interloquutor, but only the Earle of Marr, the President, the Chancellour, the Earle of Montrose, and the Comptroller. Howsoever it was, their silence made them guiltie. The justice, with the advice of the assessors, and in respect of the answers made by the Advocat, ordained them to be put to an assize." After various proceedings, Spottiswood, Bishop of Glasgow, "delated [*accused*] Chancellour Seton to the King, taking hold of some speeches uttered by the Chancellour to Mr John Forbes when he compeared before the Council, a little after the assembly at Aberdeen. For when the Chancellour alledged they had not keeped promise to him, Mr John answered that he had keeped promise as faithfully as any that ever his Lordship dealt with in this life. Whereupon Bishop Spottiswood conceived there was some dealing betwixt them before that assembly. The King and the Earle of Dumbar dealt with Mr John Forbes to be the Chancellour's accuser, but prevailed not. The Prince and the Earle of Salisberrie imployed their credit to the uttermost for the Chancellour. Whereupon the King sent a declaration of his will to the

Earle of Dumbar that he would not have the Chancellour convicted, howsoever the matter was cleared. The Earle of Dumbar, perceiving the King changed, was loath to lose the Chancellour: therefore entered secretly in paction with him."

It is not very easy to ascertain the true position of the Chancellor, in the matter of the refractory ministers, from Calderwood's numerous references to the relative procedure. He acknowledges that Seton was regarded as "no freind to the bishops, and that he feared their rysing." The King appears, however, for a time at least, to have not been quite satisfied with his favourite counsellor, in whose letters to his royal master, about this very period, there are occasional allusions to certain accusations which had been circulated against him. Indeed, an unsuccessful attempt was actually made to get the Chancellor removed from his post; "but partlie," says Calderwood, "by his freinds at home, and partlie by the Queen and English secretaries moyen, he was suffered to injoy still his office. In the meane tyme, the Parliament which sould have beene holdin in Edinbrugh was prorogued, and appointed to hold at St Johnstoun [*Perth*], becaus the toun of Edinbrugh favoured the Chanceller." The following indignant letter was addressed by Seton to the King, on the 25th of May 1606:—

"MAIST SACRED SOVERANE,—I crave your Majesties favour that it may be lesome to me giff entrie to this letter, with some report of the antiquitie, I think to a man that has deligted all his days in letters, wryting to the maist learned and wyse king in the warld, it can nocht be imputt to great amisse, albeit some memorie of learning be intermixed thairin. I red that Marcus Scaurus, a man of great renoune amangis the Romanes, *florente*

republica, being accused by Quintus Varius of a verie odious cryme, that he sould haiff resaved mercy fra the king Mithridates for to betray the affaires of Rome. Efter his accusar had deduced all argumentis and probatiounes he could devise, he used naa other defence but this: '*Quintus Varius ait, Marcum regia pecunia corruptum, rempublicam prodere voluisse, Marcus Scaurus huic culpæ affinem esse negat, utri magis credendum putatis;*' whilk defence was followed with the acclamation of the haill people, considering the accuser as a calumniator and a lyear, and acknowledging the defendar's undoubted vertew and honestie. Maister Jhone Forbes, a condemned traitour for his rebellious and seditious conventicles, halden as General Assemblies against your Majesties authoritie and command, accuseis your Majesties Chancellar to haiff geven advise, counsall, or consent to the halding of the said mutinous assemblie. Your Majesties Chancellar sayes, it is a manifest lye; and if it might stand with his honour and dignitie of his plaice, to enter in contestation with sic a condamned traitour, could cleirlie verifie the same. Maister Jhone Forbes, and all his colleigis, abyddis still at the mantenance and justificatioun of that their assemblie, as a godlie and lawful proceeding. Your Majesties Chancellar, be his public letters, dischargit and contramandit the said assemblie; he hes sensyne condamned the said assemblie as a seditious and unlawfull deid, and all the pertakers and manteners of the same, as mutinous and seditious personnes. Your Sacred Majestie hes to judge whilk of thir twa is maist worthie of credeit. Farther, I think not neidfull to impesche your Majestie in this mater, bot [*without*] some information I haiff send to Mr Alex[r] Haye, whilk it may please your Heines to accept and heir off, when best lasour fra mair weightie affaires may permitt the same. Swa maist humblie taking my leiff, and praying the Eternal God lang to preserve your Majestie in all felicitie,—I rest, Your Sacred Majesties maist humbill and obedient subject and servitour,

"DUNFERMELYNE.

"Edr., 25 Maij 1606."

A most characteristic epistle, in which the courtier and scholar are both admirably represented, in accordance with the practice of the time. No doubt, "the maist learned and wyse King in the warld" was greatly pleased with the classical allusion which it embraces; but the Chancellor takes very good care to give the lie to the "condamned traitour" in the mother tongue as well as in Latin, and he confidently leaves it to the King to determine whether "Maister Jhone Forbes" or his Majesty's Chancellor is "maist worthie of credeit"! A passage in Spottiswood's 'History of the Church of Scotland' has been regarded as throwing some light upon Lord Dunfermline's alleged approval of the Aberdeen Assembly. "Because the General Assemblie," he says, "was appointed to be holden in September by the brethren who met at Aberdeen, the Synod of Fife appointed to conveen in Dunfermline the second of September; but they were not suffered to enter into the town. Chancellour Setoun being then in Dunfermline, gave commandment to the Laird of Pitfirren, Provost of the town, to that effect; whereupon they went to Innerkethine." [1]

[1] After alluding to the refusal of the Laird of Pitferran to allow the General Assembly to meet at Dunfermline, Mr James Melville thus proceeds: "Bot God within few yeirs peyit that Lard and Provest his hyre for that piece of service, when for the halding out of his servantes from keiping his assemblie in that town, he maid his awin hous to spew him out. For a day in the morning he was found fallen out of a window of his awin hous of Pitfirren, thrie or four hous hight, wither be a melancholius dispear casting himselff, or be the violence of vakynd ghests ludgit within, God knawes, for being taken vpe his speitche was nocht sa sensible as to declar it, bot within few hours efter deit."—Diary, 1556-1601, p. 151. (Ban. Club, 1829.)

On the 14th of June, the Lords of the Privy Council reported to the King the proceedings adopted in the case of Forbes. "The mater," they say, "seamed without example, and not without dangerous consequence, gif ane man in Maister John Forbes his caice sould be hard to bring in questioun the fame and fortune of ane nobilman of sick birth, rank, and authoritie vnder your maiestie as your heynes chancellar." They mention that the Chancellor not only consented to, but earnestly solicited a thorough investigation of all the circumstances, which resulted in the examination of certain clerical witnesses adduced by Forbes, and also of Burnett of Leys, who happened to be present at the conference regarding the Aberdeen Assembly, the whole of the depositions being transmitted to the King. In another communication, within about three weeks later, in alluding to the procedure of the Lords of the Articles in the Parliament held at Perth, in the beginning of July, they say: "We cannot omit particularlie to beare witnes to your maiestie of the wisdome and great dexteritie vsed be my lord Chancelar in proponing, disposing, and directing of maters in sick maner as serued best to bring all to this gude end, wherein my Lord Secretar be his persuasiue and pithie reasoning secunded him verie discreitlie."

In the same letter they report an *émeute* which had just occurred in Perth, arising out of the grudge borne by the House of Eglinton to the Earl of Glencairn. On a certain Tuesday night, immediately after supper, the Master of Winton and his brother, Sir Alexander Seton (nephews of

the Chancellor), with nine or ten followers, encountered the Earl of Glencairn with some thirty retainers, on their way to the Earl of Eglinton's lodging. The leaders of the two parties were in the act of passing each other at a judicious distance, when "sum rascall seruandis in the end of thair cumpanies" drew their swords and raised a commotion, which was only quelled by the intervention of the townsmen and the King's guard, and resulted in the "licht hurting of verie few, and more dangerous wounds of ane seruand to the Erle of Glencairn." The Chancellor was so annoyed by the affair that he refused to see his nephews, and resolved to have the matter fully investigated "without respect or fauour of any persone."[1]

A few months previously (5th March 1606) was pronounced the well-known "Decreet of Ranking," the result of the Commission relative to the Precedency and Priority of the Peers of Scotland, which embraced the following distinguished statesmen and lawyers: George, Earl Marischal, founder of Marischal College, Aberdeen; Alexander, Earl of Dunfermline, Chancellor of Scotland; Lord President Hamilton (afterwards Earl of Haddington); Sir John Skene of Curriehill, the eminent jurist; and Sir David Lindsay, Lyon King of Arms, nephew of the famous Sir David. As stated by a recent writer on "Scottish Titles of Nobility," in the 'Journal of Jurisprudence,' "a more competent body of Commissioners could not have been selected,

[1] Two letters—dated 6th and 27th August 1606—relative to the fracas at St Johnstoun, will be found in the Appendix to the third volume of Pitcairn's Criminal Trials.

or one which would command more respect." The Decreet is fully noticed in the posthumous work of the lamented Earl of Crawford on the "Earldom of Mar."

Calderwood refers to a curious incident connected with the Perth Parliament. "At this Parliament," he says, "the erles and lords were clothed in reid skarlet. It is constantlie reported that Dumbar, Bishop of Aberdeene, at the tyme of reformatioun, said that a reid parliament in St Johnstoun sould mend all again. It was thought that he was a magician. His speeche is like to prove true, for since that tyme defectioun has ever growne." The two Archbishops and ten of the Bishops rode, in pairs, between the Earls and the Lords, "clothed in silk and velvet, with their foot-mantles;" but Blackburn, Bishop of Aberdeen, "thought it not beseeming the simplicitie of a minister to ryde that way in pompe; therefore he went on foot to the parliament hous. The rest of the Bishops caused the Chanceller remove him out of the parliament hous, becaus he would not ryde as the rest did."

On the 6th of August 1606, Lord Dunfermline writes a short letter to the King announcing that "yesterday, in great zealle and affectioun, we haiff all celebrat the blessed memorie of your sacred maiesties happie delyverie from the traitour Gowreis treacherous and devilische conspiracie, acknawledgeing all thairin the saiftie, preservatioun, and greatest evidents of Goddis providence and favourable eyes vpon this Iland, Empire, and Cowmounwealthe, that eiwer has been schawin;" and a few weeks later (4th September) he applies to his royal master, from "Nedrie"—the Earl of

Winton's residence in West Lothian—on behalf of the town of Dumbarton, for a grant to enable the inhabitants to erect a bulwark against the inroads of the sea.

After recording the fact that the Christmas of 1606 was kept with great solemnity in Edinburgh by the Earl of Dunbar and the Chancellor, and in Leith by Lindsay, Bishop of Ross, Calderwood endeavours to improve the occasion by remarking that "the godlie perceaved what was to be looked for afterward by the bishops enstalled, when they found suche corruptiouns breake out in the tyme that they were onlie aspyring." Time works wonders! In these later and more tolerant days, we have many instances of Scottish Presbyterians holding an appropriate service on the day which is observed as an important festival in almost every other corner of Christendom.

In the course of the two following years (1607 and 1608), a good many letters appear to have been addressed by Lord Dunfermline to the King. On the 7th of January 1607, he reports the disordered condition of the district of Athol, "throw the imbecillitie and weaknes of the Earle of Ergyle," the rest of the "Hielands" being in a state of order and obedience. He also announces the adjustment by the Council of several deadly feuds, and refers to the old dispute (as to precedence?) between the Earls of Eglinton and Glencairn, which was to be shortly afterwards considered. Three months later (9th April) the Chancellor gives an account of the proceedings of the Council in the dispute between the notorious Master of Gray and his father, in the feud between Haitley of Mellerstanes and

Home of Eccles, and with regard to the seizure, by the representatives of the "vmquhile Capitayne Achiesoun," of a ship belonging to the Estates of Flanders.

Writing from Dunfermline on the 21st of August 1607, the Chancellor refers to a gracious letter from the King, which he had received from Lord Scone, testifying his Majesty's remembrance of the good service of his "forbears," as well as the favourable and benign acceptation of "my awin goodwill and endewore to employe sic qualitie and giftes as God hes bestowed on me;" with reference to which he says, "I protest befoir God that, nixt to that dewtie I aught to God for my saule and haill being, your sacred maiesties honour, will, and weill is, and shall ewer be, my first intentioun and principall butt off all my actiounes, whairto my haill industrie and studie shall be directed in all sinceritie and ernestnes." At the close of the letter, the Chancellor again refers to the solemnisation of the King's escape from Gowrie's conspiracy, mentioning that the sermon on the occasion was preached in the "heiche kirk" by Mr Patrick Galloway[1] from the 121st Psalm.

In a letter addressed to the King from Edinburgh, on the 5th of March 1608, Lord Dunfermline vindicates his nephew, the Earl of Abercorn, from the allegation of hav-

[1] Father of James Galloway, first Lord Dunkeld, of whose elevation to the peerage it was remarked that "though the King could make him a lord, he could not make him a gentleman."

"The King can make a belted Knight,
A Marquis, Duke, and a' that;
But an honest man's aboon his micht,
Gude faith, he maunna fa' that!"

ing taken the part of the Laird of Auchindrane, to be afterwards referred to.

A few months afterwards, the Earl of Dunbar, accompanied by two English doctors of divinity, found his way to Scotland, the main object of the latter, according to Calderwood, being "to perswade the Scots that there was no substantiall difference in religioun betuixt the two realmes." He entered Edinburgh, with a great train, on the 1st of July, being met at the Nether Bow Port by the Chancellor, then provost of the city, the bailies, and many of the citizens.

On the 3d of August, Lord Dunfermline pens an indignant denial of the allegation embraced in a "lang, pithie, and passionat" letter from the King, which the Earl of Dunbar had shown to his Lordship, to the effect that the Chancellor had been engaged in political intrigues with his "sacred maiesties worthie, maist nobill, and darrest bedfallow."

"Yit came thair neiuer to me sik a greiff in hairt and minde, as I resaued be yiour heighness (foresaid) lettir, be the aprehensioun I tak yiour heighness sould suspect ony sik thing off me. It has wounded me sua, that it has putt me fra all other thocht or cair; for as I wald think myself onwordie to be leiuand, gif I haid committed sa filthe an errour, sua man I disdane baith my lyff and haill estaitt, sa lang as I am in feare my maist gracious souerane has onye suspicion I be onye wayis giltie of sa abominabill crime."

After various other strongly expressed protestations of his innocence, the Chancellor concludes by assuring the King that the "calomneis and malicious delations" brought

against him grieve him not so much on account of his individual interests, as lest the consequences might redound on his Majesty for having conferred preferment on "sik a man." "I wiss rathir," he adds, "I war dissolued in dust, and had neieur bein." These real or supposed intrigues are not noticed by any of the contemporary writers, and it may be presumed that the King was quite satisfied with the Chancellor's assurances, as the matter does not appear to be referred to in the subsequent correspondence.

A few days after the date of the foregoing letter, a representation appears to have been made to the King by the Presbytery of Edinburgh, relative to the Preceptory of St Anthony, in which it was asserted that "the Lord Chancellar having in erection an benefice of cure, under the name of the Preceptore of Sanct-Antones, an personage and vicarage, which, in old time of Papistrie, served the cure of the Church of Hailles, notwithstanding refusis to give maintenance, or half maintenance for serving the said Church, and therefore, the minister therat, forced be necessitie, hes obtained, at our last Assemblie, liberty to remove therefra." His Majesty is accordingly requested, either "be commandement of the said Chancellar," or otherwise, to prevent a congregation so near to Edinburgh, and served ever since the Reformation, from being "displanted by the evill will of evill meaning men," in which expression it may be presumed the Chancellor himself was intended to be included. I am, however, unable to indicate the result of the application.

In addition to his judicial and other appointments, Seton

filled the office of Provost of Edinburgh—previously held by his father George, 7th Lord Seton[1]—for the long period of ten years, having been originally elected in 1598. The following minute of his first appointment is from the records of the Town Council of Edinburgh :—

"Tewsday, Septimo Nouembris 1^{m} v^{c} lxxxviii^{o}. The sam day, Alexander Lord Vrquhart and Fyvie, president, is maid burges and gild brother of this bur^{t} [*burgh*], be ry^{t} of vmq^{ll} George Lord Setoun his father, burges and gild brother of the sam, and gaif his burges and gild ay^{t} [*oath*] as vse is.

"The sam day, Electis creatts and constitutes Alexander Lord Vrquhart and Fyvie, prouest of this bur^{t} for the yeir to cum, and Jhonn Moresoun, William Hammiltoun, Jhonn Lowry, James Forman, baillies, Dauid Williamsoun, deyne of gild, Ro^{t} Hereis, the^{r}; and the said lord prouest and James Forman ball:, and Dauid Williamsoun, deyne of gild, comperand, acceptit their said offices and gaif their solem aythis for their administratioun of the said offices."

It would appear that the Town Council intended Lord Dunfermline to enter upon his eleventh year as Provost, in November 1608; but the arrangement did not meet with the approval of the King, at whose instigation a new appointment was made. "The king," says Calderwood, "was muche offended with the toun of Edinburgh for choosing of Chanceller Setoun to be their proveist, and continuing him

[1] "When the Lord Seton was Provost of Edinburgh, there was an uproar in it, and two of the bailyies came out to their provost at Seton, and he finding they were accessary to the conspiracy, he imprisoned them in the pit of Seton (a place I have seen), which was a dreadful contumely; and rode in presently to Edinburgh, and appeased and choakt the commotion."—Lord Fountainhall's MSS., Adv. Lib.

in that office, which he had keeped diverse yeeres before; howbeit the king had writtin to the counsell of the toun to elect their proveist and bailliffes of their oune neighbours, trafficquers, for the better preserving of their oune liberteis, conforme to the act of Parliament, and that as they would answere upon their perrell." Upon this, the Council, to pacify the King, elected Sir John Arnot, one of their fellow-burgesses, to the office of Provost, on the 15th of November, with the Chancellor's goodwill and consent; and on the same day, the election was formally reported to the King by the Rev. John Hall and the Rev. Peter Hewatt.[1] Shortly after demitting the office of Provost of Edinburgh, Lord Dunfermline was elected a member of the English Privy Council.

The following excerpts from the accounts of the "Thesaurer" to the Burgh of Edinburgh, during the period of Seton's Provostship, show that the chief magistrate of Edinburgh, at the beginning of the seventeenth century, was liberally supplied by the Council with the wine of the sunny south. Accordingly, we need not be surprised to

[1] Some fifteen months later, the same parties indited another epistle to the King, with reference to the appointment of a winter vacation for the Court of Session having been construed by the common people as an encouragement to general "libertie and lowsenes," and so regarded by themselves in their pulpit "speaches." They acknowledge, however, that they are now quite satisfied of the King's "honest and godly intention," having been assured by the Chancellor "that there was none other thing meant by your highnes, but to give relaxation to the lords of your majesties session, at that season of the yeir." It may be reasonably conjectured that the vacation in question was appointed at the instigation of the learned senators themselves, among whom there was probably at least one Henry Cockburn, who repudiated the maxim of "all work and no play."

find that, during the greater portion of the same period, his Lordship thought proper to decline the Provost's annual fee of £20 Scots, which invariably forms the first entry in each year's account. Between 1602 and 1608 the entry is followed by three cyphers, thus: "$0^{li.}$ $0^{s.}$ $0^{d.}$"; while in 1608-9, the first year of Sir John Arnot's Provostship, the usual sum of £20 again appears.

1598-9.

Item, the 23 of Marche 1598, payit to Andro Purves, for ane pece[1] of Spanes wyne, ane hundreth threttie thrie poundis sex schillingis aucht penneis; and to David Aikenheid,[2] the sowme of twa hundreth twentie aucht poundis money, for ane tun off Burdeux wyne, quhilk was delyverit to my Lord Proveist at the Counsellis command conforme to a precept, extending in the haill to . . . . . iij^{c}lxj^{li} vj^{s} viij^{d}

Item, for carying fra Leyth to the Proweistis hous off the said wyne, and in laying in his sellaris, ... iij^{li}

. . . . . .

Item, the 8 of Maij 1599, to Robert Johnestoun, walx maker, for j dossane of torches was gottin the tyme of the Princes baptisme,[3] to convoy the Proveist fra the Abbay, at command of Johne Morisoun, bailze, . iiij^{li}

[1] Equivalent to *cask*—derived from the French word *pièce*.

[2] Afterwards Lord Provost of Edinburgh.

[3] Lady Margaret, the King's second daughter, at whose baptism, on the 15th of April 1599, Lord Fyvie bore the towel.—Balfour's Heraldic Tracts, p. 54.

1599-1600.

Item, the vij° August 1600, gevin to futtie [*swift messenger?*] for ryding to Setoun with ane letter frome the Counsall to the Provest, ... x^{s}

1600-1.

Item, the xxij day of December, payit for twelf torches to convoy the Provest the nicht of the baptisme,[1] . . . . iiij^{li}

1602-3.

Item, payit to Jo^{n} Moresoun, bailze, quhilk he deburssit for ane twn of wyne coft to [*procured for*] my Lord Provest, is . ij^{c}xl^{li}

. . . . . .

Item, payit for foure torcheis to conwoy the Prowest fra the Abbay, . . . liiij^{s} iiij^{d}

Item, gevin to the bailleis to gif my Lord Prowestis servands the tyme thai war witnessis to his barne [*bairn*],[2] . . xv^{li}

. . . . . .

Item, deburssit be the compter for twelf torcheis for convoying my Lord Provest and Bailleis doun and up fra the Abbay, . iiij^{li} iiij^{s}

1603-4.

Item, nynt day of Januar, payit to Thomas Inglis for ane pype of wyne coft be

[1] His Majesty's second son Charles was christened on the 23d of December 1600, on which occasion Lord Fyvie "bure the Croune Ducall."—Balfour's Tracts, p. 55.

[2] Probably Lady Lilias Seton, eldest child of the Provost's second marriage, baptised 10th November 1602.—Edinburgh Register.

Dauid Aikenheid, bailze, for the use of my Lord Prouest, is . . . . jᶜxlˡⁱ

. . . . . .

Item, payett to Joⁿ· Jaksoun for ane half twn of wyn gevin to my Lord Provest, is . lxxxxˡⁱ

1604-5.

Item, the last of Maij 1605, payit to Adam Gibsone for ane tun and half of wyne gewin to my Lord Provest, . . ijᶜiijˡⁱ

Item, samyn day, payit to Wilzem Cochrane for ane twn of wyne gewin to my Lord Prouest, ... jᶜxlvjˡⁱ

. . . . . .

Item, payit for wpbringing of the twa twns and ane half of wynis gevin to my Lord Prouest, and in putting of thame in the seller, ... iiijˡⁱ xviijˢ

. . . . . .

Item, 20 December 1604, debursit for ane banket to the Lords [of Session?] in the heich tolbuith at comand of the bailzeis, as the parteculer compt beris, . . xlviijˡⁱ xvjˢ

Item, debursit for wyne and breid to ane welcum to my Lady,[1] . . . . . vˡⁱ ijˢ

. . . . . .

Item, the 6 of Merch, payit to the trumpeters quha raid with the Guid Toun to the meitting of my Lord Prouest, . . iijˡⁱ

1605-6.

Item, the samyn day (25 of Marche 1606), to Robert Newtoun for vj torschis to con-

[1] Perhaps the Provost's second wife, Grizel Leslie, to whom he was married towards the end of the year 1601.

voy the Prouest furth of the Abay to his Luging, at viij^{s} the peis, . . . xlviij^{s}

1606-7.

Item, the same day (21 March), payet to Adame Gibsoun for ane tune of wyne coft to the Prouest conforme to ane precept, . . ij^{c}xxvj^{li}

On the 2d of December 1608, in a letter to the King, the Chancellor reports the result of the examination of the old and young Lairds of Auchindrane on the charge of two heinous murders. In referring to their obstinate denial of guilt, he states that their answers were quite irreconcilable with their previous depositions, and the statements of father and son so contradictory (in addition to other circumstances), that "we are all compelled to think in our consciences thaj war baithe guiltie." The following day, the Earl of Cassilis, nephew of one of the victims (the Laird of Culzean), writes a short note to the King, and after mentioning the "greit paine and cayr of my Lord Chancelare, quha hes broicht Auchindraine and his sonne to sik contrarietie in their depositionis, that all indifferent men may be perswadit off thair guyltiness of baith thais murthouris," suggests the propriety of the King granting a warrant to the Chancellor and Council "to putt thame to the buittis, quhairthrow thaj may be broicht to the mair evident confessioun."

The circumstances of the murders in question are well known to all readers of Sir Walter Scott, who immortalises the parties concerned in his drama of "Auchindrane, or the

Ayrshire Tragedy." John Mure of Auchindrane, a gentleman of ancient lineage and good estate in the west of Scotland, was of so bold and unscrupulous a disposition that he allowed nothing to stand in the way of the aggrandisement of his own family. His wife was the daughter of Sir Thomas Kennedy of Barganie, next to the Earl of Cassilis the most important person in the district of Carrick; and Auchindrane observed, with envy and resentment, that the influence of his father-in-law was decidedly inferior to that of the Earl of Cassilis, chief of the House of Kennedy, who then happened to be a minor. The young nobleman's affairs were judiciously managed by his uncle, Sir Thomas Kennedy of Culzean, in the capacity of tutor and guardian, and Auchindrane resolved to get rid of Sir Thomas by violent means. This he ultimately accomplished, after more than one attempt; and at a subsequent period, with the assistance of his eldest son James and a certain James Bannatyne, he committed a second murder—the victim being a lad named William Dalrymple, who was cognisant of some important circumstances connected with the slaughter of Sir Thomas Kennedy. The elder Auchindrane was convicted of counselling the murder of Sir Thomas, and also of the actual murder of the lad Dalrymple, while the younger Mure and Bannatyne were found guilty of the latter crime. All three were sentenced to be executed; but Bannatyne obtained the King's pardon, while the two others paid the last penalty of the law.[1]

[1] An account of the proceedings will be found in the third volume of Pitcairn's Criminal Trials, along with a series of illustrations relative to the

On the 5th of July 1609, Lord Dunfermline informs the King that the Earl of Argyll had presented to the Council "the heads of twa notable malefactours in the Hielands," and most considerately refrains from troubling his Majesty with their "onpleasand, onworthie, and ongodlie naymes," (which, however, he had announced to Sir Alexander Hay) —one of many illustrations of the low estimation in which the barbarous Celt was held by the Chancellor. In the same letter he acquaints the King of the general satisfaction given by his two chaplains, Doctors Goodwin and Milwaird, and in contrast to the value of their services, expresses a fear that "thair be toe manye off ours heir that braggs toe mutche of thair vocatioun, and knowes toe lytle what belonges thairtoe." He also mentions his perusal of the King's "booke laitlie come to licht, and worthie of ewirlasting licht," asserting that "all wisdome, all doctrine, all courtessie, all godlines, policie, and ciuilitie schynes in the same."[1] Finally, he alludes to an epigram upon the King which he had composed in his youth, when his Majesty was making his own first attempts in "poesie," the concluding distich being as follows:—

"Macte animo, Rex, ista tuum genus, ista decebat
Laus, famam gestis quœrere, et ingenijs."

A few weeks later (12th August), the Chancellor reports

popular superstition regarding the bleeding of a body on being touched or approached by a relative of the suspected murderer. This is said to have occurred when the granddaughter of Auchindrane senior approached William Dalrymple's corpse.

[1] Possibly *Triplici nodo, triplex cuneus:* or an Apologie for the Oath of Allegiance, of which the second edition appeared in 1609.

to the King the Earl of Dunbar's great success in bringing the Borders to a state of subjection and tranquillity—dwelling on the genius displayed by his Lordship in conceiving, as well as on his valour in executing, the requisite measures.

"He hes had speciall cair to repres, baithe in the incountrie and on the Bordours, the insolence of all the proud bangisters, oppressours, and nembroithis,[1] but [*without*] regaird or respect to ony of thame, hes purged the Bordours of all the cheiffest malefactouris, rubbars, and brigantis, as war wount to regnne and triumphe thair, als clein and be als great wisdome and policie, as Hercules sometymes is written to hawe purged Augeas the King of Elide his escuries, and be the cutting aff be the sword of justice, be your maiesties authoritie and lawis, the laird of Tynwell, Maxwell, sindrie Douglassis, Jhonestounes, Jardanis, Armestrangis, Bettisounes, and sic others, *magni nominis luces*, in that brokin pairtis, hes randered all theese wayes and passages betuix your maiesties Kingdomes of Scotland and Ingland als free and peciable, as is recorded Phœbus in auld tymes maide frie and oppen the wayes of his awin oracle in Delphos unto his Phythicque playes and ceremonyes, be the destructioun of Phorbas and his Phlegiens, all theiwis, voleurs, bandstiers, and throat cutters. These pairtis ar now, I may assure yiour majestie, als lawfull, als peciable, and als quyett, as anye pairt in any ciuill Kingdome of Christianite."

Probably the Chancellor took too sanguine a view of the results accomplished by his Majesty's Commissioner, seeing that shortly afterwards a memorial was addressed to the King by a number of residenters on the Borders, in which they complained of the bloodshed, oppressions, and disturbances that everywhere prevailed, there being "no more

[1] Nimrods?—perhaps in the sense of moss-troopers.

account made of going to the horn[1] than to the alehouse." "In the course, however, of the next twenty years"—as a recent writer remarks—"these unruly bands were gradually weakened and dispersed; the generation that was arising not being so contaminated as its predecessors with that taint of strife and lawlessness which the violent usages of three hundred years had rendered all but hereditary in Border blood."[2]

[1] Horning—so called from the ancient formality of blowing a horn—was the process adopted for the enforcement of civil decrees.

[2] Russell's Haigs of Bemersyde, p. 406—a recently published work, full of very interesting matter relative to an ancient Scottish family.

CHAPTER V.

CONTINUATION OF CHANCELLORSHIP.

1610–1616.

TOWARDS the beginning of the year 1610, we come across a curious and interesting episode in Lord Dunfermline's career. It was reported to the King that Sir Henry Yelverton, member of Parliament for Northampton, had, on several occasions, spoken disrespectfully of the Scottish nation, and in particular of Sir George Dunbar, the Lord Treasurer, and the Earl of Dunfermline, the Chancellor. Finding that the King and his two ministers were deeply offended, Sir Henry resolved that, by means of explanation or otherwise, he should be restored to their good graces. With the aid of "one Mr Drummond"—possibly the sweet singer of Hawthornden—and Lady Arabella Stuart, the King's cousin, he succeeded in obtaining an interview with the Chancellor, at the house of the Scottish Secretary of State in Warwick Lane, which resulted in a humble petition from Yelverton to the King, and an

audience in the royal bedchamber; and so complete an understanding was established, that the offender was appointed to the office of Solicitor-General in 1613, and three years later was promoted to that of Attorney-General.[1]

About the same period (30th January 1610), in consequence of a "missive letter" from the King to the Privy Council, a Proclamation was issued "anent the Habitis" (*Robes*), which embraces the following elaborate injunction:—

"That the Chancellour of this Kingdome weir, according to his awne discretioun, a ritche fair gowne of some sad or grave cullour, conforme to his conditioun, estaite and rank, and that in his sitting in sessioun, counsell, conventioun, and articlis; bot gif he be a nobleman, in his ryding to the Parliament, that he weare the habite dew to his rank and degrie of nobilitie: That the President and remanent ordinarie Lordis of Sessioun sall weare a purpour cloath gowne, faced all about with reid crimosine satyne, with a hude of purpour, lyned with crimosine satyne also, according to the modell and forme of a gowne send doun be his Maiestie to be a patrone for all gownes of ordinarie sessionairis, onlie the Presidentis gowne sall be faced with reid crimosine veluott and the hude lynnit with reid crymosine veluott; and the saidis President and sessionairis sall weare these habiteis vpon the streits of Edinburgh during the tyme of sessioun, and at all suche tymes as thay come to counsell, conventioun, or vther meetingis; And the four extraordinarie sessionairis to weare blak gownes of velvott, satyne, or some vther silk as pleasith thame, lynnit with matrix or some vther blak lynning, at thair pleasour."

The same Proclamation also contains directions respecting the robes of the Justice-General, Justice-Clerk, Advo-

[1] The occurrence is circumstantially related in Foss's Judges of England, vi. 391—1857.

cates, Clerks of Session and Signet, Doctors of Civil Law and Divinity, Provosts and Bailies, Bishops, etc.[1]

From various Minutes in the Records of the Burgh of Dunfermline, it would appear that the worthy Chancellor was a patron of "the turf;" and, considering the light in which anything connected with horse-racing has always been held by a certain school on the northern side of the Border, it is somewhat remarkable that his detractors should have refrained from commenting upon his encouragement of such a questionable pastime. The following is a verbatim copy of one of the Minutes in question, dated 19th April 1610:—

"Apud Dunfermling decimo nono die Aprilis ano dm millemo sexcente^mo decimo coram Jone Andersonn et Jacobo Mochrie ballievis de burgi.

Cautionry for production of the Race Bell upon the fourt day of apryll 1611.

"The qlk day in prnce of ye saids baillies comperit psol^ne mr James dugles the schoolmaster burges of ye said bur^t and upon his awin propre qfession actit him his airs exe^rs and asgns as cau^r and souritie ffor David Boeswell broyer german to S^r. Johne Boeswell of ballmuto knyt. That ye said David or uyers in his name Sall exhibit and produce Befoir ye provest and bailleis of ye said bur^t In ye tolbuith yrof upon the fourt day of apryll In ye yeir of God sixteen c^t and eleven yèirs next to cum at ten houris bfor noon The sylver Race bell double overgilt his ma^tests name and arms gravin yrupon Weyand . . . . . perteng

qto Aprilis 1611. This act deleit be resson David Boiswell prducit the hors race bell, induciae this day. Johne Anderson Baillie.

[1] Miscellany of the Maitland Club, i. 151. On the 14th of December 1619, the Lords of the Privy Council sent a communication to the King relative to the robes of the Edinburgh Town Council, who pleaded that they might be allowed to continue to wear "blak gownis, as a most decent, grave, and comelie habite beseaming magistrates of burrowes," instead of being required to supply themselves with "rid scarlatt gownis," in terms of his Majesty's injunction.

to ane noble lord alex^{r} erle of Dunfnlyne lord fyvie and urqhat heich chancelure of Scotland Baillie hera^{bl} prinp^{le} of ye regal^{tie} of Dunfermling delyverit this day to ye said David In custodie and keiping unto the said day Be qmand and ordinate of ye said noble erle Be resson of ye said David's blak hors wyning the custody and keiping yrof be rining frae conscience brig to ye brig of urquhat in companie w^{t} uyer twa hors viz. ane dapil gray hors blong^{s} to S^{r} W^{m} Monteth of Kers, Knyt, and ye uyer ane broun hors blong^{s} to Lues Monteth his broyer german and wan frae yame ye race. And that the said David Boeswell sall delyver and produce the said bell in the lyke and also gud state as he nou ressaves the sam under ye pains of fyve hundret merks mn^{y} scots to be payit be ye said cau^{r} to ye said noble erle in case of failyer and the said David Boeswell qmpereand prso^{ne} demittand his awin jurisdiction and duly submitting him in this case to the jurisdiction of the provest and baillies of ye said bur^{t} of his awin confession actit him to freth and relive the said Mr James Dugles his cau^{r} of this prst cau^{rie} betwin hym and the said baillies and of uyer penalties. The said baillies interponit yair autor^{y} yrto and ordains execution of poynding and warding to pass heirupon in case of failyer of production of the said bell at the day and in manneir above specy^{t}."

The only omission in the Minute is the *Weight* of the "double overgilt" race bell, which was apparently intended to have been specified. The owner of the winning horse was David Boswell of Craigincat, youngest brother of Sir John Boswell of Balmuto, who appears to have died the year after his victory (1611), at the age of sixty-four.[1] Sir John was knighted at the same time as his father, on the occasion of the baptism of Prince Henry in 1594. The last

[1] Douglas's Baronage of Scotland, p. 311.

male heir of the family of Monteith of Kerse, in the county of Stirling, was Sir William—possibly the owner of the "dapil gray"—who sold the estate to Sir William Livingstone, Lord Kilsyth, in 1631. The representation of the family is now supposed to be vested in Sir James Stuart-Menteith of Closeburn, Baronet. "Conscience Brig" is still in existence, and the "Brig of Urquhart" is at the farm of that name, close to Dunfermline. The race-course was on the Stirling road, immediately to the west of the town, and must have been upwards of two miles long, and nearly level throughout, with the exception of one pretty steep hill.[1]

[1] The earliest notice of Horse-racing in Scotland is a brief entry in the Treasurer's accounts of 1504, from which, however, it does not appear where the race referred to was run. The following entry, in the records of the burgh of Haddington, shows that a race for a silver bell had been established there in the middle of the sixteenth century: "1552. May 10.—The quhilk day, John Forrois, burgess of Hadingtoun, came cautioner that ane worthie and mychty Lord, George lord Seytoun, sall bring the silver bell that his horse wan vpon the 10 day of Maij the yeir of God I^{m} V^{c} fiftie twa yeiris to the said Burgh of Hadingtoun vpon the thrid day of November the samyn yeir of God, and present the same to the provost and baillies of the said burgh of Hadingtoun, with ane augmentation lyke as the said lord pleases to augment for his honour, and the same bell to be run for the said day, swa the wynnar therof may have the same again; and for observing of thir premissis the said John Forrois has acted [*bound*] himself in the common burgh of Hadingtoun, the said X day of May, the yeir of God aboue specifit."

It is somewhat singular that the winner of the Haddington race, in 1552, should have been the father of Lord Dunfermline (George, 7th Lord Seton), whose own father (the 6th Lord) seems to have been addicted to sport of another kind. He is recorded to have been well experienced in all games, and was reckoned the best falconer of his time.

The burgh records of Paisley contain more than one entry relative to horse-racing, the date of the earliest being April 1608. In 1621, we find a curious indenture of a race between Lords Morton, Boyd, and Abercorn (grand-nephew of Lord Dunfermline). It is subscribed at Hamilton, and provides that the

In the summer of 1610, the Earl of Dunbar, accompanied by three English doctors of divinity, was sent to Scotland, as a commissioner from the King to a meeting of the General Assembly; and Calderwood informs us that "the chancellar and sindrie erles, lords, barons, and gentlemen, to the number of sixteene hundreth hors or thereby, accompanied the Erle at his entrie to Edinburgh upon the 24th of May. The proveist, bailliffes, counsell, and a number of burgesses, were attending in the utter closse of the palace to welcome him. That same day, after rysing of the counsell, there were two silver maces or wands overguilded with gold, caried by two gentlemen, the one before the Erle of Dumbar, the other before the chanceller. This ceremonie was observed daylie after, wheresoever they went."

On the 27th of July, the Earls of Dunfermline and Dunbar, in a joint letter to the King, report the capture, on the coast of Orkney, of a vessel of upwards of 200 tons, with thirty pirates on board, of whom twenty-seven, including "twa captaines"—Perkynis and Randall by name—were executed; the three others having been retained in captivity, in the hope that by their further examination some light might be thrown on the practice of piracy. It appears from the letter that the pirates "did interteyne one whome

course is to be "thrie mett myleis of Cowper raise in Fyff," the stakes ten double angels for each horse (the winner receiving the whole), and each rider "aucht Scottis stane wecht." The same year, in consequence of the passion for the turf having largely increased, a statute was passed which refers to the attendant evils, and limits all racing wagers to an hundred merks, under penalty of the forfeiture of the surplus to the poor of the parish.—See Miscellany of the Maitland Club, vol. i., 1834.

they did call thair persoun, for saying off prayeris to thame twyse a day," who either got weary of his cure, or became apprehensive of the destruction of his equivocal flock, and accordingly contrived to find his way to Dundee, where he was apprehended, and brought to Edinburgh for examination, the result of which does not transpire.

The Earl of Dunbar and the Chancellor went to court in the course of the following September, and the Chancellor returned to Edinburgh on the last day of November. Lord Dunbar died suddenly a few months afterwards (29th January 1611), at Whitehall, and was succeeded in the management of Scotch business by John Murray, subsequently Earl of Annandale. Calderwood charitably says of him, what he had formerly said of the Chancellor, that "the curse was executed on him that was pronounced upon the builders of Jericho; he was so busie, and left nothing undone to overthrow the discipline of our church, and speciallie at the Assemblie holden the last sommer in Glasco. But none of his posteritie injoyeth a foote broad of land this day of his conqueist in Scotland." Scotstarvet, on the other hand, in what has been termed his "political epitome of slander," attributes Lord Dunbar's sudden death to some poisoned sugar-tablets, which were given to him by Secretary Cecil for expelling cold. His remains were embalmed, brought to Scotland, and interred within the parish church of Dunbar, where a splendid monument was erected to his memory.

In an undated letter addressed to the King, written

prior to January 1611, Sir Robert Melville[1] speaks in very laudatory terms of the Earls of Dunbar and Dunfermline. Of the latter he says: "The Chancellar, quhois vpbringing and painfull trauell hes maid him ane gret staitisman, being lykwayis directit be your maiesties commandement, hes applyit his knawledge and lerning to so proffitable endis, to the honour, aduancement, and quyetnes of this estait, hes, nixt your maiesties awin pairt, the prais of the blissit and happie conditioun quhairin the cuntrye standis, quhilk, be your maiesties absence, was thocht to haif beine hard to pacifie."

On the 11th of February 1611, Lord Dunfermline, accompanied by some other noblemen, went to Berwick to take an inventory of the Earl of Dunbar's moveables, as he had previously done at Holyroodhouse, in conformity with the King's commission. According to Calderwood, the Earl's death "bredd ane alteration in state effairs. The Chancellour, with sundrie others of the councell, als weill bishops as others, tooke journey to court about the mids of Marche, fearing alteration, and everie man seeking his owne particular." The Chancellor returned to Edinburgh about the end of April, and was shortly afterwards appointed custodier of the Palace of Holyrood with the adjoining park. The management of the offices of treasurer, comptroller, and collector was committed to eight counsellors, or any four of them, the Chancellor being always one. The seven others were the President, the Secretary, the Advocate, the Bishop of Glasgow, Lord

[1] Created Lord Melville of Monymail in 1616, and died in 1621, aged 94.

Scone, Sir Gideon Murray, and Sir John Arnot, Provost of Edinburgh.

It ought to have been previously stated that, on the 15th of February 1596, Alexander Seton, Lord Urquhart, then President of the Court of Session, obtained a charter from Queen Anne, as "Lady of Dunfermline," with the consent of the King, of the office of heritable bailie and justiciary of the regality of Dunfermline, with the feu-duties and perquisites attached to it—the destination being to himself and his heirs-male, whom failing, to his brother William and his heirs-male. Along with his followers, he was entitled to free entertainment, in what is now denominated the Palace, when attending the regality courts; but this privilege was afterwards commuted into a grant of ten chalders of teind black oats yearly, and the whole kain, capons, and poultry of the lordship. On the 3d of April 1611, he obtained another charter from Queen Anne, with consent of her husband, proceeding on his own resignation, and embracing, among other subjects, the heritable offices of bailery and justiciary of the lordship and regality of Dunfermline, "on both sides of the river and water of Forth." Besides the office of Bailie of the Regality, there was also that of Constable, or Keeper of the Palace and adjoining grounds, which was first conferred on Seton, as Lord Urquhart, in 1596, and confirmed to him and his heirs for ever, by Act of Parliament in 1606, after he had become Earl of Dunfermline.

In the spring of 1612, a small Popish scandal crops up in the Minutes of the Synod of Fife, in which Mr Andrew

Forrester, minister at Dunfermline,[1] and Chancellor Seton, are prominently implicated. At the diocesan synod held at St Andrews in April, "thair was presented ane letter from Mr Andro Forrester, minister at Dunfermline, offering excuis for his absence, in respect of sickness; as also ane apologie of his dealing in the scandall of the crucifix, payntit vpon my Lord Chancellor his dask in the said kirk." It further appears that the matter was found to have "giffen gryt offenss to the haill country;" and accordingly, power and commission was granted to certain "brethren" to convene with the Archbishop at St Andrews on the 12th of May, in order to try and examine the Chancellor as to his connection with the offence; while Forrester was suspended from his ministry, "in respect that, after the erectioun of the foirsaid monument of idolatrie, he did nether mak advertisement to my lord archbishop, nether to the brethren of the exerceis [*Presbytery*], he being moderator thereof, nor has done anything in publick quhilk might declaim his dislyking of the foirsaid fact." It does not transpire whether the contemplated proceedings were adopted; but some five months later (September), the Minutes bear that "my lord archbishop re-

[1] Andrew Forrester, son of Alexander Forrester, minister of Tranent, was minister of Glencross, and apparently also of Penicuik, in 1588. Two years afterwards, he was translated to Corstorphine, and in 1598 was removed to the 2d charge of Dunfermline. About 1610, he was translated to the 1st charge, through the influence of Lord Dunfermline, by whose aid he had the stipend of both charges assigned to him. He suddenly quitted his cure in 1616, and three years afterwards was presented to Collace by the King. He died prior to November 1631, in the 43d year of his ministry, "covered with debt and infamy."—See Scott's Fasti Ecclesiæ Scoticanæ, vols. i. and ii.

ported that having acquainted the King's maiestie with the offens upon the paintrie of my lord chancellar his desk, in the Kirk of Dunfermline, had reported his hieness will that the Kirk insist no further in process against his lordship, seeing his maiestie thoght the offens sufficientlie removid."

On the 12th of September, a joint letter was addressed to the King by Lord Dunfermline and the Lord Register (Alexander Hay), relative to the suppression of the Clan Gregor. From the Minutes of the Council Meetings it appears that, upwards of a year afterwards (30th November 1613), it was resolved that the "Clangregour bairns" should be distributed among the landlords of the clan, according to the "proportion of their lands," and that they should be bound to keep them until they had reached eighteen years of age, when they would be exhibited to the Privy Council. A roll was made up and sworn to by Glenurquhy and other lairds, and the landlords were enjoined to keep and present the children, under a penalty of two hundred pounds Scots for the child of a chieftain; one hundred pounds for the child of an under-chieftain; and forty pounds for children of meaner rank.

In the Parliament held at Edinburgh in October, Lord Dunfermline was appointed the King's Commissioner. Calderwood states that it was thought the bishops effected this arrangement, "that he might be shifted from his office, wherat some of them aymed;" adding that the Chancellor "checked them," in his harangue before the Parliament. The amount of the grant to the Princess

Elizabeth, in contemplation of her marriage to the Count Palatine, formed one of the subjects of discussion; 360,000 merks being the sum agreed upon. The "obnoxious prelatic acts" of the Glasgow Assembly, of June 1610, were also formally ratified.

On the 2d of November, the King's eldest son, Prince Henry, died in London, at the early age of nineteen. According to Calderwood, the "Chancellor, the Bishope of Glasco, Mr John Spottswoode, and some others, were sent by the Councell to condole. But before they came to Newcastle, they were commandit to returne, by a letter sent from the King; wherat manie wondered. It was alledgit that the King had begunne to relent of his greefe, and that the sight of the Scottish subjects wold but augment his greefe. Some thought it was done to disgrace the Chancellour, and that it was procured by the Bishope of Glasco, who was in his companie. The Bishope returned, for obedience, as the Chancellour did; but efter he had stayed ten or twelve dayes, he went up to court."

The Prince was a youth of the highest promise, and his premature death was regarded as a public calamity. In addition to his scholarly tastes, he was passionately devoted to tennis, golf, swimming, and other athletic exercises. The attachment of the two royal brothers to each other, and to their sister Elizabeth, is touchingly evinced in many of their juvenile epistles, still preserved in the Advocates' Library and elsewhere. Upwards of thirty elegies and lamentations were published on the occasion of the Prince's death, one of which bore the following title:

'Lachrymae Lachrymarum, or the Spirit of Teares distilled for the on-tymely death of the incomparable Prince, Panaretus.'

In the year 1614 and subsequently, we find Lord Dunfermline carrying on a pretty steady correspondence, on various subjects, with John Murray, "of his sacred maiesties bedchalmer," afterwards Earl of Annandale.[1] On the 30th of June 1614, he writes to him from Holyroodhouse, requesting that he may be furnished with a new bag for carrying the great seal.

"Lord Dumbar," he says, "send to me from thence eurie yeir out off his maiesties wardroppe ane bordered poolke for carieing the greate seale, sic as my Lord Chancelar caries thair,[2] werie magnific and honest; for that can nocht be gottin maed heir, or ellis I sould nocht trubill yiow nor nane for ane. Sence my Lord Dumbar departit this lyff, this three yeir I haue had nane, and sic as I haue are worne aulde and nocht sa cuimelie as neid war, quhilk I man wish yiow, cousing, find meanis to gett supplied be his maiesties command out of the warderobbe, as hes bein before. Sir Alexander Hay, now Clerk of Register, then Secretair, quha was in vse to cause mak thame, sayes to me he caused, eiuer

[1] John Murray was the eighth and youngest son of Sir Charles Murray of Cockpool, by Margaret, eldest daughter of Hugh, 5th Lord Somerville. He held the offices of Gentleman of the Bedchamber and Master of the Horse to James VI., by whom he was knighted and highly esteemed. Through his Majesty's bounty, he acquired extensive estates in Dumfriesshire and elsewhere, was created Viscount Annand in 1622, and two years later raised to the dignity of Earl of Annandale. He married Elizabeth, daughter of Sir John Schaw, Knight, by whom he was father of James, 2d and last Earl of Annandale, who died without issue.

[2] From Paul Hentzner's Journey into England, it would appear that, in 1598, Queen Elizabeth's Chancellor bore the seals in a "red-silk Purse."—Aungervyle Society Reprints, i. 55.

at my Lord Doumbarris directioun be his maiesties command, ane M^r^ Brodic in the wardrobbe mak thame, and thay war all werie fair in deid, bordered with the armis of Scotland on the first quarter and thridde, Inglish on the second, and Irish in the fourt;[1] and with all ornamentis off baith kingdomes ansuirabill, as I doubt nocht but the said M^r^ Brodic, or sum of his seruandis, hes yit the exempill beside thame and patrone; for the last I had was in the yeir 1610, sent to me be my Lord Doumbar."

A few days later (8th July), the Chancellor indites a short friendly epistle to the gentleman of the bedchamber, in which he makes "ane great complaint" to the effect that his correspondent's "bedfallow will not tak ane chalmer heir in the King's house" (Holyrood), which his own bedfellow had prepared for her. In the same letter he refers to Lord Fentoun, afterwards Earl of Kellie[2] (whose only son was married, in 1610, to the Chancellor's eldest daughter), and also to his sister-in-law, "my Lady Roxbrough,"—viz., Jean, third daughter of Patrick, 3d Lord Drummond, the younger sister of his first wife.

The week following (15th July), Lord Dunfermline again writes to Murray, from Holyroodhouse, with reference to various matters. He thanks his correspondent for his good offices in connection with a dispute between his nephew,

[1] A similar mode of reckoning the quarters of the escutcheon is followed in the patent of arms granted to John, Lord Maxwell of Herries, in 1567 (Seton's Scottish Heraldry, p. 73). A modern herald would call the quarters assigned to Scotland by the Chancellor, first and *fourth*, instead of first and third; and that assigned to Ireland, *third* instead of fourth.

[2] Sir Thomas Erskine of Gogar, one of the King's most gallant defenders on the occasion of the Gowrie Conspiracy, created Viscount Fentoun in 1606—the first of that degree of nobility in Scotland—and advanced to the dignity of Earl of Kellie in 1619.

Sir Claud Hamilton[1] and the Lord-Deputy of Ireland, and cautions him not to give credit to the allegations made against himself and his nephews by the Laird of Skelmorlie, whom he describes as "ane kittill, mutinous, and onsatled man, full of consaittis, readie to rase and steir maa broylis his alane, nor tuentie guid and wyse men will gett weill quenched." The letter concludes with the following amusing statement, which I commend to the attention of the Scottish Meteorological Society:—

"Other occurrence I can write of nane to yiow, bot that we haue heir, all this somer, the maist onseasonabill waddir be daylie ranis, windis, frostis, and cauld, has eiuer bein hard off in ony mannis remembrance. Our astronomaris sayis the plannettis off this our climat aperis to be in thair conjunctions, oppositions, and sic aspectis for this yeir, in als ill humour, and als far by puirpoiss, as yowr lower house has bein thair at this parliament; for be guid rason, the plannettis sould acknawledge the sonne as thair lord and maister, quhome fra thay haue all thair light, and sould follow his cowrse, and gid to eurie countrie, in eurie quarter of the yeir, sic wadder as he apointis the sason. Wee man referre all to Goddis mendis [*amelioration*], doing the best we may."

The description of the unseasonable weather is strikingly suitable for that which has been experienced by the denizens of the Scottish metropolis during the past summer (1881); and there is a vein of sly humour in the statement relative to the astronomers, and the comparison between the irregular conduct of the planets and the proceedings in the "lower house."

[1] Second son of Claud, Lord Paisley, and brother of James, 1st Earl of Abercorn, who obtained extensive grants of land in Ireland in 1618, and was made Constable of the Castle of Toome, Co. Antrim.

A fortnight later (29th July), the Chancellor informs Murray of the adjustment by the Council of a dispute between Lords Sanquhar[1] and Kilmaurs, and Drumlanrig and his brother—Drumlanrig, however, having been fined 3000 merks "for his misbehauiour in sending six cartellis in scar and terrour to others." In the same communication, he refers to a disturbance reported from Orkney—"the Erlis bastard sonne" having lately "tane the kirk and stipill of Kirkoway (Kirkwall), principall toun off that cuntrie," with the aid of six or seven score of "eieuill peopill."[2]

Shortly after the death of the fifth and last of the Montgomerie Earls of Eglinton, in September 1612, Sir Alexander Seton of Foulstruther, third son of the first Earl of Winton by his Countess Lady Margaret Montgomerie, and nephew of the Chancellor, was served heir to the Earldom of Eglinton, and subsequently took a prominent part in public affairs, under the *sobriquet* of "Greysteel." The King, however, challenged the transference of the title without the royal sanction, and declined to acknowledge Sir Alexander as Earl of Eglinton, besides interfering with his more substantial rights. The result was a keen controversy which lasted for more than two years, as appears from numerous letters in Mr Fraser's 'Memorials of the Earls of Eglinton.' In one of these, dated 11th July 1614, the Archbishop of Glasgow informs John Murray that he

[1] See p. 115, note 1.

[2] For an account of the trial of Patrick, Earl of Orkney, for rebellion, etc., in January 1615, at which Chancellor Seton was one of the assessors to the Justice-Clerk, see Pitcairn's Criminal Trials, iii. 308.

had "spoken with the Chancellar and Sir Alexander Seton his nephew. The Chancellar sayis that in his lyf never anything trublit him more than his majesties offense at the busines of Eglintoun." The Archbishop entreats his correspondent to use his influence with the King in order to get the matter amicably settled, describing Sir Alexander as a "younge man of gud expectatioun." Through the kindly offices of the Earl of Somerset, or by some other means, the King was ultimately induced to recognise "Greysteel" as Earl of Eglinton, who duly acknowledged a "gracious and princelie letter" from his "maist sacred soueraine," announcing his reception into the royal favour. On the 16th of March 1615, the Chancellor indited two grateful epistles to the King and Murray respectively, with reference to the happy termination of the dispute. In the former, he expresses a hope that his nephew will prove "nather onwoorthie nor encapabill;" and in the latter, after warmly thanking his "right honorabill and welbeloued cousen" for his valuable assistance, he quaintly says: "Friendis and kinsmen as wie are man daylie be doand to otheris all guid offices thay can, eurie ane in his vocatioun, place, and calling: reckin ye may spend me as onye yie haue maist powar off." The Chancellor's deep interest in the subject of his correspondence appears from the postscript to the same letter, in which he asks the "gentleman of the bedchamber" to let him know "quhat was our greatest lattis or impedimentis, or quha was our greatest corseris" in the "langsum and fashious besines of Eglintoun."[1]

[1] It appears that the Privy Council when applied to by the King, in May

On the 22d of September 1614, the Chancellor reports to Lord Binning the arrival, at Burntisland, of a Spanish vessel —alleged to be a whaler; and also the fact of his having ordered the bailies of the town to imprison, with a view to their formal examination in Edinburgh, "the capitane, wha is a Spaniyard; the pilott, quho is ane Inglisch man and hes Spanische languadge; thair chirurgian, quha is a Frencheman; and ane Scotts man, quhome thay took in north at Aberdour [Aberdeen?] in our coaste, to be pilate to thame in this firthe."

A few months later, Burntisland again forms the scene of a curious episode. Writing to Lord Binning on the 30th of April 1615, Lord Dunfermline gives an account of a disturbance in the little coast town, "ane multitude of weemen, aboue ane hundir, off the bangstar amazone kind," having violently assaulted an officer, while engaged in executing some legal warrants. They appear to have been abetted by Mr William Watson, a minister of the gospel, who was examined by the Council, and admitted his participation in the commotion. On appealing to the authorities for moderate treatment, the Chancellor, "in respect of his calling and vocation, and the reuerence wee bair thairto," recommended lenient punishment, and suggested his suspension by the Archbishop, his ordinary,

1613, with reference to the descent of the Eglinton honours, disclaimed all interference, on the ground of their incompetency to deal with such matters, which "behoofit to abyde be the course of law in the ordinar judgement of the Session."—See Riddell's Peerage and Consistorial Law, i. 14. Many competent judges are disposed to hold that the Court of Session ought still to be regarded as the proper tribunal for all questions of Scottish Peerage Law.

and ultimate translation to some more retired part of the country.

In the eighth chapter of Donald Gregory's well-known work on the 'Western Highlands and Isles of Scotland,' we have a detailed account of the proceedings of the Privy Council, during the five years ending 1615, in connection with the rebellion of the Clandonald of Isla. The author asserts that, towards the end of 1614, Chancellor Seton originated an intrigue for procuring the release of the son of the Bishop of the Isles, who was then a hostage in the hands of the Clandonald, and that he acknowledged having done so without consulting his colleagues in the Council. It appears that the Chancellor's agent was a Ross-shire man named George Graham, who contrived to accomplish the object in view. "There can be no doubt whatever," says Gregory, "that the Chancellor was the author of this notable plan to procure the liberation of the hostages, and, at the same time, to deprive the Clandonald of the benefit of the pardon promised to them on this account. There are grounds for a suspicion that the Chancellor himself desired to obtain Isla; although it is probable that he wished to avoid the odium attendant on the more violent measures required to render such an acquisition available. He therefore contrived so as to leave the punishment of the Clandonald to the Campbells, who were already sufficiently obnoxious to the western clans, whilst he himself had the credit of procuring the liberation of the hostages." On the 9th of December (1614), Lord Dunfermline announces to Murray the means which had been adopted to procure the sur-

render of the son of the Bishop of the Isles and the Laird of Ranfurley by the rebels of Isla, and mentions several payments he had made for the delivery of certain troublesome thieves and robbers, one of whom—M'Gillieworike by name—"a Barrabbas, *insignis latro*, who trubled all the Cabroch and Braa of Mar," was executed in Edinburgh. When the Clandonald affair came before the Privy Council, towards the beginning of the year 1615, the Chancellor declared that he had given Graham no other instructions than to procure the release of the hostages, and also denied having authorised him to offer any conditions to the rebels; but Gregory considers that "a careful perusal of all the documents connected with this affair leaves no doubt that the Chancellor was much more deeply implicated in Graham's dishonourable practices than he chose to confess."

Lord Dunfermline's correspondence with Murray continues pretty brisk during the year 1615. On the 28th of January he refers to some false representations of certain honest and worthy men made to the King by "deboshed drunkin babillis," which, he philosophically adds, must be borne with, "sence eiuer sa hes bein, suim onwordie in onye best estaitt or gang off men, a Judas amangs Chrystis twelf apostlis." A month later (24th February) he reports the arrest of certain utterers of base coin. "Suim villains," he says, "has used to gilt suim siluer riellis, baith doubill and singill, and has geiuin thame out for Spanish pistolettis, doubill or singill." On the 24th of November he states obstacles

of a very homely kind to his making the journey to London.

"Within this four dayis, my Lord Fentoun has signified to me be his lettir, it is his maiesties gracious pleasour, at the queenis maiesties desire, that I sould cuim up sa sone as I may conueni-entlie. For this present I can nocht enterprise that iornay, for my badfallow[1] is on the point to be broght to bed within werie fiew dayis, and before shoe can be at that estaitt that I may weill leiue hir, will be the dead off the yieir, maist difficill and hard to onye man to trauell, and I am now na chikkin, drawing to threescore, was neiuer werye ruide nor strong, albeit nather too delicat nor sparing off my self."

Two days afterwards (26th November), Calderwood informs us, the Archbishops of St Andrews and Glasgow "gave their oaths of alledgance as subjects, renuncing all forraine authoritie, temporall or ecclesiasticall; and of homage for their archbishopricks upon their knees, holding up their hands to the lord chancellour, who was then commissioner for the King, and sitting under a cannabie of velvet in the Royall Chappell."

On the 3d of December the King writes "from our Court at Newmercat" to "oure right trusty and welbeloued cosin and counsellour, the Earle of Dumfermiling, our Chancellour of Scotland, and to our trustie and welbeloued counsellouris, the remanent Lords of oure Colledge of Justice of the said kingdome," anent the report on the state of the Scottish collieries; and the terms of the royal missive indicate a very politic consideration of the question of exports and imports.

[1] Lord Dunfermline's third wife, "Dame Margaret Hay."

In a letter addressed by Lord Sanquhar[1] to Murray, on the 9th of January 1616, the writer speaks in very high terms of Lord Dunfermline. "Giffe ye wnderstude his lordschip reichtlie," he says, "ye wald find his lordschip ane worddie man; and I dar assure yow, the more ye haiffe ado with him, ye sall ewer find the more worthe in his lordschip." Later on, he says, "I knawe his lordschip to be ane of the honestest myndit men within oure kingdome, and it is ewer sik men I wald wisse yow to be in greitest formes with."[2]

Lord Dunfermline appears to have been in London during part of the spring of 1616, as Calderwood mentions that the Chancellor and Secretary returned to Edinburgh from Court on the 24th of April, shortly after which "the bruit went" that the King intended to visit Scotland in the course of the following year; and the rumour was soon confirmed by the reparation of the Castle of Edinburgh and the Palace of Holyrood. Probably the visit to the English metropolis was in connection with the doings

[1] William, 7th Lord Crichton of Sanquhar (afterwards Earl of Dumfries), cousin and successor of Robert, 6th Lord, who was executed at Westminster in 1612, for complicity in the assassination of John Turner, a fencing-master, who, seven years previously, had put out one of Lord Sanquhar's eyes in a fencing-match at the seat of Lord Norreys in Oxfordshire.

[2] From a letter to John Murray from Francis Stewart, titular Earl of Bothwell, dated "Setoun, the 8 of Januar. 1616," it appears that at that time Mr James Reath (Rait) was "seruitour to my Lord Chancellour of Scotland." Stewart was the eldest son of Francis, the turbulent Earl of Bothwell, and second husband of Lady Isabel Seton, only daughter of Robert, 1st Earl of Winton, and niece of Lord Dunfermline. His son and heir, Charles Stewart, is said to have been a trooper in the civil wars, and the prototype of Francis Bothwell, the dashing cavalier in 'Old Mortality.'

of the King's former page of honour, Sir Robert Kerr, created Earl of Somerset in 1613. It appears that in the course of the year 1616, the King sent for Lord Dunfermline and Sir Thomas Hamilton "to have their opinions" of Kerr, in consequence of "sum enormiteis and factis done aganis him" by his favourite, and "for uther quyet and secret effairis that the said Earle had persuadit the King to do againis his noble subjects of Scotland."[1]

On the 12th of June, the Marquess of Huntly appeared before the Commission, but declined to subscribe the Confession of Faith, whereupon he was "wairdit" in Edinburgh Castle. There was a division of opinion in the Council as to whether or not he should be detained; and the votes being equal, according to Calderwood, "Chancellour Setoun inclyned to Huntlei's side," on which he was set at liberty, after six days' confinement. The same historian informs us that on Sunday the 7th of July, Couper, Bishop of Galloway, in his sermon, in the Great Kirk of Edinburgh, on the enemies of the Kirk, "inveighed against the chancelour for maintaining of Papists," encouraged by a letter from the King to the Council, in which

[1] Historie of King James the Sext, p. 389.

Sir Robert Kerr or Carr, Earl of Somerset, was the youngest son of Sir Thomas Kerr of Ferniherst. He and his Countess (a daughter of Thomas Howard, 1st Earl of Suffolk, and the divorced wife of the Earl of Essex) were convicted of the murder of Sir Thomas Overbury, in May 1616. Kerr was imprisoned in the Tower for nearly five years, pardoned under the Great Seal in 1624, and died in 1645.

he said he would not permit the Marquis to come near him, but had enjoined him to return to his "waird." Calderwood adds that "the event proved all was but collusion."

A remarkable episode in the history of the ancient family of Bemersyde belongs to the period at which we have now arrived. In the year 1610, James Haig, seventeenth Laird of Bemersyde, disponed his estate to his younger brother William, a member of the Scottish Bar, and secretary to John, 8th Lord Yester, afterwards Earl of Tweeddale. During the spring of 1616, while both brothers were residing in London, James lodged an information with the King, to the effect that William had not only brought about, by astrology, the death of Prince Henry in November 1612, but that there had also been seen in his possession a special "horoscope," bearing fatally upon the life of the King himself. An immediate inquiry into these serious allegations was set on foot, which resulted in the two brothers being sent to Edinburgh and lodged in the Tolbooth. On the 19th of June, along with a French servant of Lord Yester's, they were examined before Chancellor Seton and Lord Binning, President of the Court of Session. The case proceeded somewhat slowly, and the judges appear to have purposely spent time over the business, under the belief that nothing of much importance was likely to be elicited. Meanwhile, in the beginning of August, William Haig addressed an appeal, from the "loathsome hole" in which he was confined, "to the Right

Honourable my singular good Lords, the Earl of Dunfermline, Lord Chancellor, and the Lord Binning, the Lord Secretary." They at once allowed the petitioner to send a full statement of his case to the King, who had previously received another communication from James Haig, which has not been preserved. It appears, however, from other sources, that it embraced serious charges against the Chancellor and President, in respect that they had refused to put such questions to his brother as James desired, and that they were conceding certain privileges to William in prison, which were denied to him. The two brothers were re-examined by the Lords on the 27th of August, without any satisfactory result; and, as a last resort, James Haig demanded that the matter between them should be put to the issue of *trial by combat,* in accordance with the ancient law of England in charges of treason! The day following, the Chancellor and President report the procedure to the King; and after repudiating the charges brought by James Haig against themselves, they add: "Your Majesty will perceive that there is small appearance that our travails can produce any further discovery in this controversy, but must depend upon your Majesty's own most excellent wisdom and resolution." Notwithstanding the terms of this deliverance, some further inquiries seem to have been ordered by the King; but so far as existing records indicate, the dispute between the two brothers came to a close towards the end of October. That the character of William Haig was ultimately cleared is evident from

the official appointments which he afterwards held under the Crown.[1]

[1] Full details of this curious fraternal difference will be found at pp. 126-170 of Mr John Russell's recent work on 'The Haigs of Bemersyde.' In commenting on the judicial procedure, the author makes the following statement in a footnote: "John Lord Yester was married to a sister (a mistake for *daughter*) of the Earl of Dunfermline, Lord Chancellor, who in turn was married to a sister of Yester's. It might be too much, perhaps, to impute that this relationship had something to do with the Chancellor's evident desire to end the case as against William Haig, the friend of his brother-in-law; yet it must be admitted that the Scottish Bench had not then the character of impartiality." Another recent writer, in Old and New Edinburgh, i. 167, indicates the same opinion of the Bench; and, speaking of Lord Dunfermline, says that "Scotstarvet gives us a sorry account of this peer, who owed his preferment to Anne of Denmark!" I venture to think, however, that more than enough has been stated in the preceding pages to vindicate Alexander Seton from the charge of unfair dealing.

CHAPTER VI.

CLOSING YEARS.

1617–1621.

ON the 5th of March 1617, a Convention of the Estates was held in Edinburgh. "Sindrie harranngs," says Calderwood, "were made by the chancelour, the Secretare, and some others, wherein the King's affection to the nation was sett forth to the full, and a thankfull meeting requyred." Two days afterwards, in a long communication from Lord Binning to the King, he thus refers to the Chancellor's speech before the Council as to the preparations for the King's forthcoming visit to Scotland: "Ane wyse, learned, and eloquent discourse, exponing the true cause of your maiesties intended journey, to be your loue and longing to sie your native cuntrie and good subiectis;" and gives in detail the procedure adopted in connection with the supply of ways and means.[1] In the course of the

[1] In another letter to the King, written a week later (14th March), Lord Binning refers to Lord Dunfermline's proposal that the then vacant office of Justice-Clerk should not be filled up, till the criminal judicature had been reformed.

same year, considerable excitement prevailed in the Scottish metropolis, in consequence of the King's command that the Communion should be celebrated at Holyrood in accordance with the English form. Calderwood states that Chancellor Seton, Secretary Hamilton, Sir George Hay, Lord Clerk Register, the Earl of Argyll, and several others communicated kneeling, "not regarding either Christ's institution or the order of the Kirk." He also informs us that, on Easter Day of the following year (1618), "the Communion was celebrat by sundrie bishops in their cathedral kirks with kneeling," and that the Bishop of Galloway administered the Sacrament in the Royal Chapel to the Chancellor, Secretary Hamilton, Oliphant the King's advocate, and others, "to the number of fourtie two persons." On Sunday the 14th of March 1619, Spottiswood, Bishop of St Andrews, officiated in the High Kirk of Edinburgh, in the presence of the Chancellor, the Secretary, and other noblemen, "threatening persons of all estates with the King's wrath, if they gave not obedience to the acts of the Perth assembly;" and his exhortation was speedily followed by an order from the King to the officers of state, the lords of secret council and session, the advocates, and the magistrates of Edinburgh, "to communicate in the great Kirk, kneeling, upon Easter day next to come, under the pain of the losse of their office."

One of Lord Dunfermline's most distinguished contemporaries was John Napier of Merchiston, the celebrated inventor of Logarithms, familiarly known as "Old Log." Born at Merchiston Castle, near Edinburgh, in 1550, he

died there in 1617, at the same age as the Chancellor, who was his junior by five years. A few months before his death, he published his latest work, entitled 'Rabdologiæ sev nvmerationis per virgulas libri duo,' in which he describes a method of multiplication and division by means of small *rods*, which continue to be known and used under the name of "Napier's Bones." The learned treatise is dedicated, in the following highly flattering terms, to the "Scotch Mæcenas," who, more like a parent than a patron, appears to have supplied himself with a set of *silver* rods :—

Illustrissimo viro ALEXANDRO SETONIO FERMELINODUNI COMITI, FYVÆI, et VRQVHARTI DOMINO, etc., Supremo REGNI *Scotiæ Cancellario.* S.

Difficultatem et prolixitatem calculi (Vir Illustrissime) cujus tædium plurimos à studio Mathematum deterrere solet, ego semper pro viribus, et ingenii modulo conatus sum è medio tollere. Atque hoc mihi fine proposito, *Logarithmorum canonem* à me longo tempore elaboratum superioribus annis edendum curavi, qui rejectis naturalibus numeris, et operationibus quæ per eos fiunt, difficilioribus, alios substituit idem præstantes per faciles additiones, substractiones, bipartitiones, et tripartitiones. Quorum quidem *Logarithmorum* speciem aliam multò præstantiorem nunc etiam invenimus, et creandi methodum, unà cum eorum usu (si Deus longiorem vitæ et valetùdinis usuram concesserit) evulgare statuimus: ipsam autem novi canonis supputationem, ob infirmam corporis nostri valetudinem, viris in hoc studii genere versatis relinquimus: imprimis verò doctissimo viro D. HENRICO BRIGGIO LONDINI publico *Geometriæ* Professori, et amico mihi longè charissimo.

Intereà tamen in gratiam eorum qui per ipsos numeros naturales oblatos operari maluerint, tria alia calculi compendia excogi-

tavimus: quorum primum est per *virgulas numeratrices*, quod RABDOLOGIAM vocamus: alterum verò quod omnium pro multiplicatione expeditissimum est, per lamellas in pyxide dispositas, quam ob id, *Multiplicationis promptuarium* non immeritò appellabimus. Tertium denique per *Arithmeticam localem*, quæ in Scacchiæ abaco exercetur.

Ut autem libellum de FABRICA et VSV *virgularum* publici juris facerem, hoc imprimis impulit, quod eas non solum viderem permultis ita placuisse, ut jam ferè sint vulgares, et in exteras etiam regiones deferantur: sed perlatum quoque sit ad aures meas humanitatem tuam mihi consuluisse ut id ipsum facerem, ne forsan illis alieno nomine editis, cum *Virgilio* canere cogerer, *Hos ego versiculos feci*, etc.

Atque hoc tuæ amplitudinis amantissimum consilium apud me maximum pondus habere debuit: et certè sine eo vix unquam hoc de virgulis opusculum (cui reliqua duo adjunximus compendia) in lucem prodiisset.

Si quæ igitur gratiæ à *Mathematum* cultoribus ob hos libellos debentur, eas omnes (tu Vir Clarissime) tuo tibi jure vendicas, ad quem non modò ut patronum, sed potius ut alterum parentem liberè transvolant: præsertim quum exploratum habeam te meas illas virgulas tanti fecisse, ut non ex vulgari materia, sed ex argento fieri curaveris.

Accipe igitur æquo animo (Vir Illustrissime) hoc opusculum qualecunque: ejusque licet tanto Mæcenate indigni, ut tui tamen fœtus patrocinium suscipe: Sicut et te Justitiæ æquitatisque patronum diu nobis et Reipublicæ incolumem servari enixè à DEO optamus.—*Amplitudini tuæ meritò addictissimus,*

JOANNES NEPERUS, MERCHISTONII BARO.

In the summer of 1617 the King visited his ancient kingdom, arriving at Seton Palace, the residence of the Chancellor's nephew (the Earl of Winton), on the 15th of May. During his brief sojourn he went to Seton Church,

where a sermon is said to have been preached to him from a curiously allusive text, James i. and 6: "But let him ask in faith, nothing wavering. For he that wavereth is like a wave of the sea driven with the wind and tossed." On the following day he made his entry to Edinburgh on horseback, that he might be better seen by his loving subjects. About a month later (17th June) the King delivered an address to Parliament, "wherein," says Calderwood, "he expressed the great desire he had to visite this realme, to see the Kirk settled, the countrie reduced to good order, lawes needing reformation reformed, for the good of his subjects. The chancelour (he adds) followed with his harangue." After visiting Stirling, Glasgow, and other places, the King left Scotland in the beginning of August, returning to London by the west of England. On the 23d of December, Lord Dunfermline addressed a very long letter to "His most sacred Majestie," in which he refers, among other matters, to the King's auspicious visit to Scotland, to the recent institution of parish schools and parochial registers, the reconciliation of the Marquess of Huntly and Earl of Errol, and the installation of the Earl of Mar to the office of Lord Treasurer. In alluding to the preparations made for his Majesty's recent visit,[1] he gives a short sketch of the royal progress, in which the following passage occurs: "Your sacred Majestie honored first my

[1] In the sixth volume of the Balcarres Papers, in the Advocates' Library, is a letter to the Chancellor from the bailies of Anstruther Wester, dated 30th November 1616, relative to the supply of beef for his Majesty's contemplated visit to Scotland.

lord Erle of Hoomes house of Dunglas with your maist gracious presance, and nixt the Erle of Vintouns house of Setoun, was in baithe the saidis nobill mens houssis with all your nobills, ressaued and intertenyed to thair powar, althoe far onder your dew, yitt to your contentment and all your companies honorablie and magnificklie." He also mentions the King's visit to the Court of Session, the useful measures lately introduced by the Scottish Parliament and the General Assembly of the Kirk, and the efforts to maintain good order on the Borders, winding up with a loyal and dutiful conclusion. The visit to the Court is described as follows: "Your Majestie had your nobles, officears and prelattis off Ingland all withe yow, in our counsall house and sessioun or souerane Court of Justice in this Kingdome, where, in your sacred Majesties presance, was syndrie actiouns according to our ordinar formis baithe disputed and decydit, the ordour and fassion whereoff thaj werie weill allowed and commendit, albeit in dyuers poyntis different and disconforme from thairis."

The house of the Bishop of Moray, in the town of Elgin, was granted by the Crown to Alexander Seton, shortly after the Reformation, along with the priory lands of Pluscarden and the lordship of Urquhart. In the year 1595, he sold the barony of Pluscarden, and certain other lands, to Kenneth Mackenzie of Kintail, but retained the lordship of Urquhart and the mansion-house in Elgin, where he appears to have frequently resided. In the charter of sale, which is now at Duff House, he describes

himself "Alexander preses Collegii Justicie," and signs "A. Seton, Urquhart," along with his first wife "Lilias Drumond."

The Elgin mansion probably received the name of "Dunfermline House" from the circumstance of the priories of Urquhart and Pluscarden being dependent upon the great Fifeshire Abbey. From a letter written by Lord Dunfermline to John Innes of Leuchars, in 1618, he seems to have then been engaged in embellishing the gardens of his Elgin abode. "I think," he says, "all ye have done to my yeardes wereye weill and ordourlie, and am content ye superseid the outredding of the warke, till your leisour and commoditie may permitt you to see it donne. Insteid of thankis and recompence, I am even to burdein you the forder, and to requeist you sa sone as you may in the nixt sasone, after the ground shall be redde and cleare, to cause outredde and cleare the same; for truilie I think lang to be in that countrie."[1]

[1] In his Annals of Elgin, Mr Young indicates his belief that Seton was Provost of Elgin about the year 1591, and refers to documentary evidence in the hands of Captain Dunbar-Dunbar of Sea Park, which proves that he held that office (*prepositus*) in or about 1606.

My friend Captain A. H. Dunbar has sent me a sketch of an old stone at Elgin, bearing three curiously shaped escutcheons charged with the arms of Seton, Dunbar, and Falconer. The first exhibits Seton and Buchan quarterly, between the letters "A. S." (the initials of the Chancellor), and surmounted by the words—"IESVS RENVE A RIGHT SPIRIT WITHIN O GOD."

A detailed account of Dunfermline House will be found in Chalmers's History of Dunfermline, vol. ii. pp. 404 and 432. A shield of arms, surmounted by a coronet and accompanied by the date "1688" and the initials "I. E. D." and "I. C. D.," was formerly over a door in the north court of the building—the initials being those of the Chancellor's grandson, James, 4th and last

During the summer of 1619 the King renewed the High Commission, in which Chancellor Seton was embraced along with a large number of other "right trustie cousines and counselours." According to Calderwood, the frequent granting of advocations and suspensions by the Lords of Council and Session to such as were in process before the ministers and bishops, was the "pretendit occasion" of renewing the Commission.

On the 25th of April 1620, William Rigge and three other burgesses of Edinburgh were charged to enter in their several wards, without citation, trial, or conviction before the council, but merely for his Majesty's satisfaction. "When that mater," says Calderwood, "was proponed in Counsel, Chancelour Setoun said they could not proceede so inorderlie, for it was neither reasonable nor according to law. The President, Secretarie Hammiltoun, answeired, 'My Lord, ye must not frame the question so. It must be framed in these termes, Whether will ye give obedience to the King's letter or not?' So the Act was made without contradiction." The burgesses in question were charged

Earl of Dunfermline, and his Countess, Jean, sister of George, 1st Duke of Gordon.

It appears from the registered Testament of the "Umq^{l} Capt^{n} Patrick Seytoun, brother german to umq^{l} John Seytoun of Lathrisk," that he died "in Elgin, in Murray, in the hous of the richt nobill and potent Lord Alex^{r} Lord of Fyvie, President," on the 16th of February 1600. The Will is dated two days previously, and witnessed, among others, by Lord Fyvie. The testator leaves various legacies to nephews and other relatives,—among the rest, 900 merks and his "monturs" [*saddle-horses*] to be as heirship to John Seytoun, his nephew and heir of line; and to Janet Duddingstoun, Lady Lathallan, 200 merks, "together with his braceletts of gold, silver saltfatt [*saltcellar*], and two spoons, with a coupe."

with countenancing the ministers "who are refractorie to the order and constitutions of the Kirk, made and concludit at the Assemblie of Perth."

A few months later, Mr Robert Bruce having been "delated" to the King for keeping fasts in his own house at Monkland, and celebrating the communion according to the practice of the reformed Kirk, was ordained, in a letter from the King to the Council, to be cited and tried. Calderwood states that Chancellor Seton would have shifted the affair, alleging that the bishops had a high commission of their own to try Kirk matters. Secretary Hamilton, however, answered, "Will ye reasoun whether his Majestie must be obeyed or not?" While the Chancellor replied, "We may reasoun whether we sall be the bishops' hangmen or not." So the matter was referred to the bishops; but as the death of Bruce's wife occurred shortly afterwards, "he was spaired for a time."

In writing to the King, on the 27th November (1620), relative to the proposed vote for the defence of the Palatinate, Lord Melros gives a short summary of the Chancellor's oration on the occasion, from which it appears that he began by acknowledging the reasons adduced in the King's letter to be so satisfactory that whoever would presume to illustrate them, might, "like an obscure glosse, wrong an excellent text;" and after referring to the noble and kind duty performed by Hiero, King of Sicily, to the Romans, after their overthrow at Thrasimene, he concluded with an earnest exhortation to all to show their liberality "in this just querrell." Lord Melros's own speech, however,

made by "my Lord Chancelars command," completely eclipsed the other in the way of classical illustration, embracing references to the Emperors Tiberius and Titus, Charlemagne, Louis VII. of France, and the Consul Levinus! On the matter being put to the vote, it was unanimously resolved that "a parlement was the onlie best way to satisfy your maiesties intention."

On the 30th of January 1621, Lord Dunfermline writes to his friend John Murray, in support of the claims of Dr Archibald Hamilton to the Irish bishopric of Cashel. "He is minister of Paslay, and I knaw werye weill his father, ane werye honest man, Claude off the Cochno; thairfore I remitt that to yiour awin wisdome, albet I wiss eiuer our pepill had all rasonabill and possibill helpe." At the close of the letter, he reminds his correspondent of his previous application for "ane new poolke for the greate seele," to which he had not yet received a reply—adding, "nather is thair haist in the mater, bot I wiss it nocht foryiett."

The interesting 'Correspondence of the Earls of Ancram and Lothian,' privately printed by the Marquess of Lothian in 1875, contains a very curious epistle from the venerable Chancellor to Sir Robert Kerr of Ancram,[1] dated "Pinkie, 24 May 1621." Although written little more than a year before his death, and embracing a touching allusion to his advancing years, it indicates the possession of no inconsiderable amount of vigour, as well as of a calm and contented mind, arising from a sense of the conscientious discharge of duty. It is not every man who has passed the

[1] The confidential friend of Charles I.—created Earl of Ancram in 1633.

age of three score and five years, who "in bulk or banis finds yit leitill decay," or who can draw the same bow that served him forty years previously. The letter is so quaint and characteristic, that I make no apology for introducing it entire.

"MAIST HONORABILL GOOD FREIND,—Yiour lettir in takin and assurance of your kindlie remembrance, quhilk I resaued fra Mr James Scot, gaue me greate contentement, nocht for onye doubt I could haue before of your constant fauour, bot the notice off your hand war to me *pignora amoris*, sa meikill the mair that yie testifie sa cleirlie the guid will yie carie, all sould goe and succeid with me to my contentment. I thank yiow maist hartlie, and assuiris yiow thair can hardlie cuim onye direction or ordonance frome thence can displease or discontent me; *parendi gloria* is all I will clame to fra this furth that be God his grace I will keep in that course quhateuir fall. I think na falt can be impute to me, quhair I may find me free of falt, I will nocht be subject to greate discontentement, and be this starne I intend to hald out the reste off my voyage or nauigatioun. I hope shortlie to discouer my port. Think nocht for this, Sir Robert, that I think me onye neirar to death, farder nor that I knaw thair is sa monye yiers of my mortalitie past. *Ego jam post terga reliqui sexaginta annos*, and fyue maa; bot I think tyme now to be mair circumspect, nocht sa readie to tak meikill in hand for monye respects. I find me now far remoued from the springs or sprentis [*forces*] that mouis all the resortis off our gouerment, and thairfore layis for suirest ground to moue. I hald or latt goe as our first motors settis us to, otherwayis in (bulk) or banis I find yit leitill decay in me. I haue bein twayis or thrise this spring ellis [*already*] at Archerie, and the same bowis that serued me 40 yiers sence, fittis me als weill now as eiuer, and ar als far at my command. Suim yiow left me also seruis me als weill now as then. It is bot greate viris decayis fast and soune; medi-

ocritie contented me eiuir, and sua sall still be God his grace. This yiow sall haue insteade off greater newis occurrence or aduertismentis yie haue in store thar; wee ar skant off heir, to enterteine our freindis with in our lettris. I hoipe in yiour courtesie and kindnes, at onye good opportunitie, yie will remembir my maist humbill and deuote seruice in all affection to our maist sueete gracious yioung Maister: God prosper him in all his actions, aduance his honour, and grant him all contentment. Sua wissis to yiow also yiour maist affectionat freind and seruitour, DUNFERMELJNE.

"Frome Pinkie, 24 May 1621.

"Yiour aunt my bedfallow[1] has hir also maist hartlie remembrit to yiow. I gett skerslie any in a moneth a sicht off my lord Yiester; alwayis he is weill, still feichting with the world.

"To my maist honourabill good freind, Sir Robert Ker off Ancrum, in the Prence his Heighness bedchalmer."

In the Parliament held in Edinburgh on the 25th of July 1621, an address was delivered by the Marquess of Hamilton, his Majesty's Grand Commissioner, in favour of the taxation proposed to meet the King's great expenses. He was followed by Chancellor Seton. "Efter he had discoursed upon the honour of the auditorie," says Calderwood, "the qualitie of the royall throne where the Commissioner satt, and had given the states everie one their owne due, he repeated some things touched by the Grand Commissioner and the Bishop of St Androes (who had also spoken), concerning the necessitie imposed of a liberall taxation, and

[1] The mother of the Chancellor's third wife, Margaret Hay, was Lady Margaret Kerr, daughter of Mark, first Earl of Lothian, who, after the death of her first husband, James, seventh Lord Yester, married Andrew, Master of Jedburgh.

expediencie to give way to the ordinances of the Kirk. He alleged for his purpose that Numa was both king and priest. In end, he exhorted them to goe cheerfullie to the election of the Lords of the Articles."

In a letter addressed by Lord Melros to the King, on the following day (26th July), he gives an account of the debate; and in alluding to the summing up of the Chancellor, says that his description of the dignity of a Parliament was "in so heigh stile and learned substance as did exceede the capacitie of many of the vulgar auditors"! The same day, the King addressed a communication to the Scottish Parliament anent "assistance to oure sone in law[1] for defence of the Palatinat, his natiue patrimonie, and birthright of our grandchildren," referring to the war as "justum quia necessarium." Towards the end of the letter, he speaks of the "grandchildren of Scotland, four of them being sonnes, and two doghters," as being so hopeful that "no royall familie in Europe hes participat the like blessing by so young parentis." On the 27th of July, Lord Melros informs his Majesty of the resolution in favour of the proposed taxation—amounting to the sum of £400,000 in three years. About a week later, the Grand Commissioner exhorted Parliament to yield to the Five Articles concluded at the Perth Assembly, and was again followed by the Chancellor, who showed that "it was the custom in all Parliaments that maters of the kirk sould be first treatted:

[1] Frederick V., Duke of Bavaria, Elector Palatine of the Rhine, and King of Bohemia, who married the Princess Elizabeth—"th' eclipse and glory of her kind"—only daughter of James VI., 14th February 1612-13. Their daughter Sophia married Ernest, Elector of Hanover, and was mother of George I.

commendit the King's care he had of religion and the kirk; proved as he could the articles to be lawfull, and alledgit they required not much reasoning, being alreadie concludit by learned bishops, fathers, doctors, and pastors, conveened at Perth for that effect." When the vote came to be taken, the Chancellor desired some that spoke not distinctly to speak out freely; but the secretary said, "Nay, my Lord, let them alone; those that will not speak out, let the clerk mark them as consenters." The Chancellor voted with the majority in favour of the Five Articles, along with the Earls of Abercorn and Winton, the Earl of Eglinton being among the dissenters.

The conduct of Mr Robert Bruce—of whose affairs the Chancellor had some experience when President of the Court of Session—again came up before the Council on the 29th of August. He was summoned to appear a few weeks afterwards on the threefold charge of contempt, sedition, and breaking of his confinement; but eventually the Chancellor passed from the two first counts, and in other respects evinced a desire to treat Bruce in a lenient manner. After various proceedings, however, he was ordered to be imprisoned in the Castle of Edinburgh, where he was detained till the beginning of January 1622.

On the 22d of November, the day appointed for the Lords of Secret Council and Session to indicate their approval of the Five Articles, the Chancellor, says Calderwood, "inquired at everie one of them what was their resolution." They replied that it behoved them to obey the King's laws and acts of Parliament; upon which the Chancellor, turn-

ing to the bishops, said, "You that are bishops sould take order with these things, which are mere spirituell, and not trouble the counsel with them. You sould first call men before your courts, and then, if there be caus, complaine." The day following, the advocates and clerks were similarly called upon to intimate their resolution. The Chancellor informed them what had been done by the Lords; and having assured himself that they would follow the same course, "they were dismissed with this gentle and generall admonition, without particulare inquirie."

CHAPTER VII.

DEATH AND BURIAL.

1622.

THE "port" to which the worthy Chancellor referred, in his letter to Sir Robert Kerr, was nearer than he imagined. After a brief illness of about fourteen days, he ended his distinguished career at Pinkie, on the 16th of June 1622, in the sixty-seventh year of his age, "with the regreat of all that knew him, and the love of his countrie."[1] Oddly enough, the paragraph in Calderwood immediately before the announcement of the death, mentions the appearance in the air, some thirteen days previously, of a dragon spouting fire; and had the historian been a herald, he would doubtless have regarded the occurrence as portentous, seeing that the object in question happened to constitute the Chancellor's family crest!

In more than one letter written by Lord Melros to either

[1] History of the House of Seytoun, p. 66. The event occurred three years *after* the death of Queen Anne (1619), and three years *before* that of James VI. (1625). Seton's friend and correspondent, Robert Cecil, Earl of Salisbury, died in 1612, at the age of sixty-two, worn out by public business.

Murray or the King, during the week preceding the Chancellor's death, he alludes to the anxiety that was felt regarding him. Thus, in writing to Murray on the 10th of June, he refers to his previous letter of the 6th, in which he had announced Lord Dunfermline's sickness,[1] and after saying that "God hes turned it to the best," expresses a hope of recovery. "I know," he says, "his maiestie will be glade to heare from yow that so auncient and worthie a seruant is yet able to liue, and continow in his wonted good affections to do his maiestie faithfull and profitable seruice." Three days later, he reports the gravity of the Chancellor's condition, and, towards the close of the letter, says: "Since the writing of what preceedis, I visited my Lord Chancelar, who remembred our long coniunction in his maiesties seruice, and our ancient aquentance and freindship, which he desired me to remember in the lawfull affairs of his ladie, children, and freinds, which I promised, and sall, God willing, performe." He states, in a postscript, that he had received better news of the Chancellor. On the night of the same day (13th June), Lord Melros makes the following allusion to Lord Dunfermline, after referring to certain procedure in connection with a Dunkirk vessel in Leith roads: "This accident hes giuen ws proof of the incommoditie of my Lord Chancelars absence, who has been so sicke, thir fiftene days, that mens hopes and dispaires of his recouerie have many times changed."

[1] A letter from Sir Thomas Hamilton (Lord Melros) to the King, as far back as 7th April 1613, contains an incidental allusion to the temporary illness of the Chancellor, who was then staying at Dunfermline "to tak phisik."

Various letters are extant, in which the demise of Lord Dunfermline is reported. On the day of his death, the Earl of Mar writes a short note from Holyroodhouse to his "Good Gossip," John Murray of Lochmaben,[1] in the following terms: "Theis ar to aquentt you that this morning, betuix sax and seuin, my Lord Cancelar departed this lyff at his aun hous of Pinkie." The Countess of Mar also announces the occurrence to Murray the same day, somewhat more fully as well as more feelingly.

"I am sory att my hart," she says, "saving God's pleasur, to have this occasion to advertis you of the death of my Lord Chanceller, who deceassed this morning, betwixt sax and seaven. I pray God derect his magesty to take the best cowrs for the estaytt of this poore kingdome, for it will be fownd thatt ther will be greatt missing of him that is gone."

The formal intimation of the Chancellor's death is embraced in a letter from the Lords of the Privy Council, signed by seventeen of their number, in which they say:—

"It hes pleased God, this moirning (16th June), to call to his mercie, frome this mortall lyffe, the laite erle of Dunfermlyne, your maiesties faithfull and trustie counsellour, by whose deathe we ar depryued of grite assistance, solide counsell, and perfyte resolutioun, whilk by him we had in your maiesties affairis, and of whose panefull trauellis, cair, and diligence in your maiesties seruice, we can beare goode record. Bot seeing in Godis appointit tyme, he hes compleit his course, to the regrait of all your

[1] Shortly afterwards created Viscount Annand; and in 1624, advanced to the dignity of Earl of Annandale.—See p. 106, note 1.

maiesties goode subiectis, we could not omitt of dewtie, in regaird of the grite and honourable place, whilk he held in this estate, to gif notice of his deathe vnto youre maiestie."

The letter concludes with an urgent appeal to the King to lose no time in making a suitable appointment to the vacant office. Three days later (19th June), the Earl of Melros thus alludes to Lord Dunfermline's death, in a letter to John Murray :—

"I haue receiued your letter of the tent, and having wretin by the packet, caried be George Bailie, who parted vpon Sonday last, of my lord Chancelars death, and, in a letter to his maiestie, told what order wes intended for keeping the great seale and caschet close vnvsed, till his maiestie sould be pleased to giue warrand for exercice therof, we expected that they sould haue beene presented to the counsell vpon Tysday, but that was delayed vpon an excuse knowne to be true, that the Earle of Winton, who now hes thame, had beene so ouermatched ten or tuell nights attending his vncle in his sickenes, as not going to bed but varie seldome, wes much altered and not able to compeir vpon Tysday. We expect his presence vpon Thurisday, and therefter ye sall know what farder is done theirin, that by yow his maiestie may be informed of the counsels diligence. But as I wrote before to yow, vnles his maiestie take some speedie course to place in that charge one of the worthiest and greatest autoritie in this Kingdome, there is danger that his seruice may receiue preiudice. A greater part of the burding lyes vpon me nor I am able to beare. Many are able to serue at tennice, at the corde, who ar vnfit for the house. The nobleman latelie deceased, bearing the weghtie end of the barrow, made my charge light at the lower staale, his sufficiencie and autoritie making my taske easie, but if I want the like relief by anothers imployment in his place, I may shortlie incurre his maiesties displeasour for want of sufficiencie, when I haue vsed

the best intended diligence that can be expected from so weake an instrument, for eschewing wherof I haue prayed yow, by all my letters wretin since the beginning of the Lord Chancelars sickenes, to represent to his maiestie the necessitie of a readie resolution in the choice of a worthie officer in the place now vaiking, and will neuer cease to importune yow, whill that busines be well setled."

The allusion to Lord Winton's dutiful attention to his uncle in his last illness, is one of many illustrations of the estimation in which the Chancellor was held by all his kinsmen. Possibly Lord Melros had some incapable aspirant to the vacant office in view, when he tells his correspondent that ability to serve at tennis or at the "corde" (bow-string?) does not necessarily imply capacity for state affairs. The deceased Chancellor, however, if we may judge from his letter to Sir Robert Kerr, appears to have been as proficient in physical as in intellectual pursuits. Lord Melros's tribute to his working powers is quaintly but effectively expressed. So long as the "weghtie end of the barrow" was upheld, his portion of the labour was light and easy; but now that his able coadjutor was removed, he frankly acknowledges the need of "anothers imployment in his place."

On the 4th of July, in a short letter to Murray, Sir Thomas Henryson[1] speaks of Lord Dunfermline as the "most woorthie and incomparable subject as euer I knew in justice seat;" and some eight weeks later (28th August), the Lords of the Privy Council send the following ac-

[1] Son of Dr Edward Henryson, an Extraordinary Lord of Session, admitted as an Ordinary Lord, under the title of Lord Chesters, in 1622—died 1638.

knowledgment of his services to the King, bearing the signature of the new Chancellor and ten other members of the Council:—

"The erle of Wyntoun, vpoun the returne of your maiesteis will and pleasoure, anent youre maiesteis grite seale and cashett, quhairof the laite erle of Dunfermlyne, your maiesteis Chancellour and faithfull seruand, had the charge and keeping, haueing the same befoir youre maiesteis counsell, who wer conuenit in a frequent nomber at that tyme, he humelie desirit, that by some autentique record, the dewtifull behaviour and cariage of the said laite lord Chancellour, in youre maiesteis affairis and seruice, might be testifeit and approvin, to the effect the same might remayne to his posteritie, as a pledge and taikine of youre maiesteis gratious fauour, and by the quhilk youre maiestie wes to croune the mony grite fauouris formarlie bestowed be youre maiestie vpoun him. This petitioun being hard and considderit in counsell, it wes thoght meete that the same sould be recommendit vnto youre maiestie, to whome the sinceritie of that nobleman, his affectioun and dispositioun to youre maiesteis seruice, wes so weele knowne; and thay nowayes doubtit bot that youre sacred maiestie, oute of youre awne gratious respect towards all youre weill deserving seruandis, wil be pleased to allow of this approbatioun."

According to one account, Lord Dunfermline's body was laid out in state in the Church of St Michael at Inveresk, and on the 19th of July was buried with great solemnity at Dalgety in Fife. This is mentioned by Dr Moir ("Delta") in the notice of Inveresk in the 'New Statistical Account of Scotland;' but I have failed to discover any authority for the former statement. It so happens that the body of the Chancellor's grandson, the famous Duke of Lauderdale, who died in 1682, "in suo templo

Musselburgeni a 25 Octobris ad 5^{m} Aprilis diem permansit;"[1] and it is not improbable that some mistake may have arisen from the circumstance of the dates of death of the grandfather and grandson differing only in a single figure (1622 and 1682). In the following circumstantial description of the funeral,[2] the body is said to have been embalmed and removed to Dalgety three days after the death, while the *ninth* of July is given as the date of the interment:—

"A Note or Memoriall of y^{e} Buriall of that Noble Honourable and Never to be forgotten Worthe man Alexander Earle of Dumferling Lord Fyvie and Urquhart Great Chanceller of Scotland who took Sickness the first of June 1622 and Dyed on Sunday the Sixtine of y^{e} said month being Sunday (*sic*) at Seiven hours in the Morning at Pinkie and the same Day He was Imbalmed and clos'd up in a chist of Oak and remained ther till Wedensday the 19$''$ of the said moneth, The whilk day he was convoyed be his servants (before) frae Muselbrough or Pinky first by Coatch and then by Boate thence to Dalgity in ffyfe and was on y^{e} Sea from Five Hours Efternoone till 8 at Night when he was Caried from y^{e} Sea Syde furth of y^{e} bark be his Friends and servants to his House of Degity and was putt in a Chamber and watched ther till tuesday the 9 of Jully 1622: The qlk day He was honourable buried and Convoyed from the House of Degity to the Kirk y^{r} at y^{e} sea syde in forme and manner eftermentioned.

[1] From a long inscription on a marble tablet formerly in the vestry of Inveresk Church, from which it mysteriously disappeared a few years ago. Fortunately, an accurate copy of the inscription is in the possession of the Rev. Dr Struthers of Prestonpans.

[2] Embraced in an untitled MS. (commencing at page 9), in the Lyon Office. Possibly it may be the account of the "Ceremony" referred to by Crawford in his 'Lives of the Officers of State.'

Imprimis Ther went before all 25 poor-ons Carying on a Stafes end the Armes painted on bukrum and one of y^{m} before all carying y^{e} Gumpheon.

Nixt followed John Menzies of Carlinlips (Carlops) his Lordshipes Master-stabler riding on horse-back all cled in Armour Carying on a spears point quarterlay Yellow and Whyt tefety whilk is y^{e} Ground of y^{e} Cullers of y^{e} House and freing'd w^{t} a freinge of the sd culers being Squaire.

Next folloued 2 Leckies cled in cullers or livery having ther coate of black Velvet and y^{e} Crest or Cogniscance of Gold-smith work in y^{r} breist or back Leading a Horse covered with a Rich Footmantle for y^{e} Parliament.

Then followed other 2 Leckies Cled In Dule w^{t} the velvet coates and Cogniscances on y^{r} breists and Backs Leading a Horse cled w^{t} a footmantle and Coaparisone in Dule.

Next to y^{m} folloued 3 Trumpets.

Next to y^{m} followed 2 Pursevants Vez. Gilbert Hunter Dinguall and James Curray Ormond.

Then folloued y^{e} master Houshold M$^{r.}$ John Drummond carying y^{e} Gumpheon of state which was a Morthead painted on black tefety Poudered with tears on a speirs poynt.

Then folloued y^{e} Gentlemen w^{t} y^{e} 4 Branches.

1. William Seattone of Oudnie (Udny) and Good men of Mounie caried y^{e} Armes of y^{e} house of Hamiltone of Sorne on y^{e} moy^{r} syde.
2. Mr Alexander Seatton of Garguno(ck) caried y^{e} armes of y^{e} Lord Yester.
3. Mr Alexander Seatton of Lachrist (Lathrisk) Caried y^{e} Armes of y^{e} Earle of Cassills.
4. John (George ?) Seatton of Cariestoune caried ye Armes of y^{e} Earle of Seton (Winton).

M$^{r.}$ Walter Seatton Laird of Meldrum caried y^{e} Pinsell which was y^{e} Creist and word Semper, painted on black tefety.

(James) Seatone Laird of Touch caried y^{e} Standert of black tefety which hade Painted on it y^{e} wholl atchivment.

Then folloued 3 Trumpets.

Next Eliazer Makesone Bute Pursevant.

Next to him Thomus Drysdale Ilay and Ro$^{t.}$ Windram Albanj Heralds, with y^{r} Coates of Office on y^{m}.

Then followed George Dumbar his Lord-shipes servant carying y^{e} Maise [*mace*] Covered with black Crisp [*crape*].

Then followed S^{r} William Seaton of Kylsmuire Knight Caried y^{e} Great seall and M^{r} James Raith [1] Keeper of y^{e} same besyde him.

Next followed William Seatton, sone to y^{e} g^{d} S^{r} Will$^{m.}$ Caried y^{e} Parliament Roab, (in) which y^{e} s^{d} E. was created Vez. of ride [*red*] Crimsone Velvet lyned with whyte tefety, y^{e} fents [2] taill and sleives edgite with Ermine.

John Seaton brother Germane to y^{e} Earle of Wintone caried ye Suord and belt.

Tho. Seaton his other brother y^{e} Gold Comitall Coronet upon a Velvet Cusheon.

And on y^{e} sids of thir 3 forsaids peice of Honours, The 4 ordenary Macers made guard with y^{e} Maces.

Then followed y^{e} Corps in a Coffen of timber (?) covered w^{t} a faire velvet mortcloth of black velvet a Gold Comitall coronet on a velvet Cusheon on y^{e} head of y^{e} sead Coffen;

The E. of Wintone Cheife murner, Carying y^{e} head of y^{e} Corps. S^{r} James (John ?) Seaton of Barnes, at y^{e} right shoulder. S^{r} David Lindsay of Balcarres at y^{e} left. S^{r} Wallter hay brother Germane to y^{e} Lord Yester, William and Claud Hamiltones brother Germanes to y^{e} E. of Abercorne, S^{r} (Thomas) Urquhart Shirreff of Cromertie, The Laird of Bamff Ogilvie, The Laird of Towie, The Laird of Kerss Monteith, The Laird of Carnowties Ogilvy, The Laird Tolquhone Forbes, who all caried y^{e} Coffen and Corps.

And for bearing of y^{e} rich Paill, which was of black Velvet above y^{e} Corps, and on y^{e} banners of it y^{e} 4 branches painted

[1] James Rait of Edmonstone, whose daughter Anna married John, 2d son of Sir John Wauchope of Niddrie, ancestor of Sir John Don-Wauchope, Bart.

[2] Openings—from the French *fente*.

on Mettall, M^r George Seaton of Barha (Barra), the Laird of Schethim Seaton, John Seaton of Menies Chamberland of Fyvie, James Seaton uncle to y^e Laird of Cariestone. M^r James Seaton of Fallsyde all y^e 4 Robert Seaton attenders And Servants to the E. of Wintone Ro^t. Seaton Sone to y^e Chamberland, and Henry Seaton.[1]

Then followed ye closs murners asisting y^e chief murners Having y^r traines borne up by y^r Servants To witt: Angus, Monteith, Rothes, Eglintoune, Abercorne, Vis'cont Ladderdaile. Earles Mar, Mortoune, Buchane, Pearth, Melross, w^t Innumerable Barrones Knights Esquires Gentlemen Burgeses and Commones Convoying y^e said Corps, from y^e said Place of Degity to y^e g^d Kirk or chappell at y^e Seaside and being brought y^r was sett doune befor y^e Pulpite, till a excellent Sermone was maid by Mr William (John) Spotswood, Archbishope of S^t. Andrews, and efter Sermone, y^e Corps was caried to a Litell isle or burial place which him selfe had caus'd bul't to his 2 Wyfes and Children, and himselfe was buried and Laid betuixt his 2 wiffes; and y^e Kist was Immediatly putt in a Lead Coffen maid of purpose to receave him.

Therefter all the people Craved at God a happy Resurrectione of his Soull with sound of trumpets and Great regraite of his Loss. The Heralds gott 100 mks. y^e Pursevants 50 libs."[2]

The connection between the Dunfermline family and Dalgety may here be appropriately referred to. In the notice of that parish in the 'Old Statistical Account of Scotland,' published in 1795, it is stated that "the Earl of Dunfermline's seat formerly stood at a little distance

[1] There seems to be some error in the transcription of this passage.

[2] The following reference to the funeral occurs in a short notice of the Chancellor contained in a curious account of the Seton family, prefixed to a printed petition by "Joannes de Sitonis de Scotia," an Italian advocate, for admission into the College of Milan, in the year 1703, of which a copy is in my possession: "Tantam iusticiæ ac integritatis famam adeptus est, vt morientis funus luctu publico ornatum fuerit."

from the Church of Dalgety, but little of it now remains;" while Sir Robert Sibbald speaks of Dalgatie, "the dwelling of the Lord Yester—now the property of the Earl of Murray"—as having been "repaired and beautified with gardens by Chancellor Seton, Earl of Dunfermline, who lies interred in the church there."[1] The lands of Dalgety were acquired by President Seton, in 1593, from William Abernethie, "son and heir of the late William Abernethie of Dalgety;"[2] and the following year, the relative charter was subscribed at Dalgety by Ludovick, Duke of Lennox. In 1597, John, Lord Saltoun, the superior, confirmed the charter; and by procuratory of resignation, dated 27th April 1604, he resigned the lands into the King's hands for new infeftment in favour of President Seton, then Lord Fyvie.

The ruinous church of Dalgety, with its ivy-covered walls, forms a striking feature in a very picturesque district on the southern shores of Fife. Surrounded by a group of venerable trees within the spacious grounds of Donibristle, it stands so close to the water's edge that the refrain of the waves must have blended, in days of yore, with the choral service of the little sanctuary.[3] Originally

[1] History of Fife and Kinross, p. 302.

[2] A mural slab, on the north wall of Dalgety Church, bearing a shield of arms—Abernethy and Moultrie quarterly—commemorates "ane honorabil man callit William Abernethe of Dagati quhilk deit yis yer of God 1540."

[3] The murder of the "Bonnie Earl o' Murray," in 1592, took place among the rocks below Donibristle House, and in the immediate vicinity of the old church of Dalgety. The death-blow is said to have been struck by Gordon of Buckie, while Huntly added a gash across the victim's face, and was told by the dying man that he had spoilt a better countenance than his own!

the site of a Culdee cell, a church is known to have occupied the position of the present dilapidated fabric as early as the close of the twelfth century—the "church of Dalgathin with its pertinents," dedicated to St Brigid, having been confirmed to the adjoining monastery of Inchcolm, by a bull of Pope Alexander III., in the year 1178. The existing walls bear traces of having been constructed at different dates, and present a strange conglomeration of ecclesiastical and domestic architecture. The church proper constitutes the eastern portion of the ruin, while the remainder of the structure consists of a vault below two adjoining apartments, and is supposed to have been erected by Chancellor Seton towards the end of the sixteenth century. One of these apartments, with beautiful stone panellings, is open to the church; and in the year 1649, the Chancellor's widow, then Countess of Calendar and "lyfrentrix off Daigetie," incurred the displeasure of the Kirk-Session for placing "idolatrous and superstitious images in the glasse windows." She was ordered to remove them, and to put "no novelties upone her loft [*gallery*] till the presbytrie be acquainted with it." The arms of Chancellor Seton were blazoned on the "loft" in question, and only disappeared after the church was unroofed in 1830.[1]

In the year 1822, the workmen then engaged in repairing the Church were authorised to make a search in the vault which was believed to contain the remains of the

[1] One of the last sermons preached in the old church of Dalgety was from the eloquent lips of the Rev. Edward Irving, while paying a visit in the neighbourhood.

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Old Dalgety Church

Chancellor; and in the course of their explorations, six leaden coffins were discovered, of which one was eight feet in length. From the inscriptions which three of them bore, they were recognised to be those of the Chancellor, his third wife "Dame Margreta Haye, Countess of Dunfermling and Calendar" (who died 30th December 1659, "ætatis suæ 67"—the same age as her husband),[1] and his grandson, Alexander, third Earl of Dunfermline. A metal plate on the Chancellor's coffin bore the following inscription:—

"Alexander Setonius, Fermelinoduni Comes, Scotiæ Cancellarius,
Obiit 67 anno Ætatis suæ, 16 June 1622."

From the statement on the coffin of the third Earl, it appeared that he died at the early age of thirty-three, shortly after the death of his father, Charles, second Earl, in 1672. The third Earl must have been a man of large stature, as his skeleton was found to measure about six feet five inches.[2]

In the year 1662, a poem was printed at Edinburgh, by the heirs of Andrew Hart, entitled 'Teares for the neuer sufficientlie bewailed death of the late right honourable and most worthie of all honourable titles Alexander, Earle of

[1] "1660, Jan.—The Lady Callendar, the E. of Dumfermling's mother, departed out of this life at Dalgety in Fyfe, and was interred Jan. 20, in the day time, att Dalgety. (The said Dumfermlings owne lady, wha depairted out of this life at Fyuie in the north, was interred at Dalgety likewyse, some few months before.")—Diary of John Lamont of Newton, p. 119.

[2] Some of these particulars are embraced in a memorandum relative to the opening of the vault, which the author received in 1851 from the late Mr John Philipps, chamberlain to the Earl of Moray. The attribute of lofty stature has for centuries been a characteristic of the Seton family.—See Chambers's Popular Rhymes of Scotland, 1870, pp. 316, 401.

Dumfermeling, Lord Fyuie and Vrquhart, late Lord Chancellar of Scotland.' It was reprinted by the Bannatyne Club in 1823, under the editorship of Mr James Maidment, advocate, who conjectures that the author was John Lyoun of Auldbar, only son of Sir Thomas Lyoun, better known in Scottish history as the "Tutor of Glammis." The following passage occurs towards the beginning of the Lament:—

"Come euerie Age, Estate, and Sexe, come all,
Come and bewaile this statelie Cedars fall.
Come all wrong'd *Orphanes*, come bewaile your syre,
Who did of late (but yet too soone) expyre,
Come woefull widowes, come you, weepe you fast,
Your Anchor, and your hope, your helpe is past.
Rich Burgers you of whom hee once was chiefe,
With teares bewray vnto the world your griefe,
You at the Barre who pleade your clients cause,
Mourne that ye want the Iudge that judg'd your Lawes,
Graue learned Iudges all burst foorth in mone,
Your Light, your Lanterne and your guide is gone,
State-ruling Peeres, true pillers of the Crowne,
Fit for *Bellona*, or the peaceful gowne.
Helpe to be-waile that euer-famous Lord,
Whose noble partes nobilitie decor'd:
The heauens themselues as murners doe prepare,
With signes of sorrow to increase our care.
For when hee dy'd, the heauens on earth did powre,
Greiu'd at his death, of teares a liberall showre."

The poem is dedicated to "Dame Beatrix Ruthven, Ladie Coldenknowes," daughter of the first Earl of Gowrie and ancestress of the Earl of Home. It embraces some highly classical allusions to the Chancellor's residence abroad in search of knowledge, and grandiloquent encomiums on his "judgement, wit, and art," his impartial dispensation of justice, and his devotion to the "common-good."

Appended to the Lament are a few lines entitled "Lifes vncertaintie," which possess considerable merit.

Lord Dunfermline's successor in the office of Chancellor was Sir George Hay, Lord Clerk Register (afterwards Earl of Kinnoull), who, according to Calderwood, "happened to be at Court when Chancellor Seton departed. So the Bishop of St Andrews," he continues, "a proud aspiring prelate,[1] and sundrie others, were disappointed." Hay successfully vindicated the right of the Chancellor to precede the Archbishop at the coronation of Charles I.:—

"On the morning of the coronation day," says Crawfurd, "the King sent the Lord Lyon, Sir James Balfour, with a message to the Lord Chancellor, signifying that it was his Majesty's pleasure that the Archbishop of St Andrews should precede his Lordship only at the ceremony of that day; to which, Sir James tells us, the Chancellor gave this brisk and resolute answer, that 'since his Majesty had been pleased to continue him in that office, which his worthy father of happy memory had conferred on him, he was ready, in all humility, to lay it at his Majesty's feet. But since it was his royal will he should enjoy it, with the known privileges pertaining to the office, never a —— priest in Scotland should set a foot before him as long as his blood was hot.' Sir James having related the Chancellor's answer, the King dropped the matter, and said no more but 'Well then, Lyon, let us go to business; I will meddle no further with that old, cankered, goutish man, at whose hands there is nothing to be gained but sour words.'"[2]

[1] The "proud aspiring prelate" ultimately became Chancellor, on the death of Lord Kinnoull in 1635.

[2] Lives of the Scottish Officers of State, p. 159.

CHAPTER VIII.

MARRIAGES AND DESCENDANTS.

THE Earl of Dunfermline was thrice married, his *first* wife being Lilias, second daughter of Patrick, third Lord Drummond, and sister of James, first Earl of Perth, who married Lady Isabel Seton, only daughter of Robert, first Earl of Winton, and niece of Lord Dunfermline. By this marriage he had five daughters:—

1. Lady Anne, married to Alexander, Viscount Fentoun, only son of Thomas, first Earl of Kellie, who predeceased his father.

2. Lady Isabel — commemorated in Arthur Johnston's poems—married to John, first Earl of Lauderdale (only son of Chancellor Maitland, Lord Thirlstane), by whom she was mother of the celebrated John, Duke of Lauderdale.[1]

[1] In Sinclair's dedication of his Satan's Invisible World to George, fourth Earl of Winton, there is a curious allusion to two of Chancellor Seton's distinguished grandchildren; "that matchless hero, John Duke of Lauderdale, and John Earl of Twedle, both of them, as was said of Julius Cæsar and Cato, *Ingenti virtute*, men of most eminent parts and endowments,

Fortes creantur fortibus, et bonis
Est in juvencis, est in equis patrum
Virtus: nec imbellem feroces
Progenerant aquilæ columbam."

3. Lady Margaret (I.), who died in infancy.

4. Lady Margaret (II.), married to Colin, first Earl of Seaforth, by whom she had Lady Anna Mackenzie, successively Countess of Balcarres and Countess of Argyll, of whom a very interesting Memoir appeared in 1868 from the pen of Lord Lindsay, afterwards Earl of Crawford.

5. Lady Sophia, married to David, first Lord Lindsay of Balcarres, ancestor of the Earls of Crawford.

Lord Dunfermline married, *secondly*, Grizel Leslie, fourth daughter of James, Master of Rothes, and sister of John, sixth Earl of Rothes,[1] by whom he had a son, Charles (I.), who died young, and two daughters, (1) Lady Lilias, who died unmarried, and (2) Lady Jean, married to John, eighth Lord Yester (afterwards Earl of Tweeddale), by whom she was mother of the first Marquess of Tweeddale.[2] In an amusing letter to his friend, Sir Robert Kerr of Ancram, relative to his contemplated marriage, dated 3d April 1621, Lord Yester thus refers to his future wife: "As for my Lord Chancellor his daughter, I sweare I haue nothing to mislyk of hir, for shee is ane very comely wenche, and may be a wyfe to the beste in the kingdome. I am als neir to him already as when I have matched with his daughter,[3] nor

[1] From the record of the Testaments Dative of Dames Lilias Drummond and Grizel Leslie, successively Countesses of Dunfermline, it appears that the former died "in the Place of Dalgatie in Fyff," 8th May 1601, and the latter on the 6th of September 1606. It further appears that the "Vtencilis and Domicilis, with the ornamentis of thair bodies, goldsmyth and siluer wark, jewellis, and abulyiementis," were respectively estimated at 6000 merks and £10,000 Scots. —Commissariot of Edinburgh Testaments, 1609.

[2] See page 154.

[3] An allusion to the Chancellor's third wife, who was Lord Yester's sister.

meane I to marry without his approbation, so by that means I shall not rune hazarde losse his freindshype." [1]

Lord Dunfermline's *third* wife was the Hon. Margaret Hay, sister of the aforesaid John, eighth Lord Yester (who married secondly, in 1633, James, Lord Almond, afterwards Earl of Calendar [2]), by whom he had a son, Charles (II.),[3] second Earl of Dunfermline, and two daughters :—

1. Lady Grizel, "a brave lady, who lived to a good age, but would never marrie, though she had noble suitors,—the Earle of Sutherland and the Lord Lindsay, afterward Earle of Crawford." [4]

2. Lady Mary, who died young.

The baptisms of three of Lord Dunfermline's daughters by Lilias Drummond are entered in the Edinburgh Register, the date of the earliest (Margaret, who appears to have died in infancy) being 16th June 1596. On the assumption that his eldest daughter, Anne (married in 1610), was born in 1593, the date of his *first* marriage was probably 1592—the year before he became President of the Court of Session, when he was thirty-seven years of age. In Wood's edition of Douglas's 'Peerage of Scotland,' his daughter Lilias, baptised in November 1602, is given as the youngest daughter of his first wife; but as the date of his contract of marriage to Grizel Leslie (of which the original is in the

[1] Correspondence of the Earls of Ancram and Lothian, i. 18.

[2] Third son of Alexander Livingstone, first Earl of Linlithgow—created Lord Almond in 1633, and advanced to the Earldom of Calendar in 1641.

[3] It will be observed that both of the Chancellor's sons bore the Christian name of *Charles*, probably in honour of his royal pupil, the Duke of York.

[4] Continuation of the History of the House of Seytoun, p. 65.

possession of the Countess of Rothes), is 27th October 1601, it is evident that Lilias must have been the eldest child of his *second* wife, and that she was named after her mother's predecessor in the Chancellor's affections. Lady Jean, his youngest child by Grizel Leslie, was twelve years of age in 1618, and must therefore have been born about 1606. Accordingly, the year 1607 may reasonably be assigned as the date of the Chancellor's *third* marriage, seeing that the baptisms of his two daughters by Margaret Hay appear in the Dunfermline Register under the years 1609 and 1611 respectively.[1] Their only brother, Charles, second Earl of Dunfermline, was probably born in 1608. From the terms of one of the Chancellor's letters to his friend John Murray, it would appear that a *fourth* child must have been borne by his third wife, towards the end of November 1615.

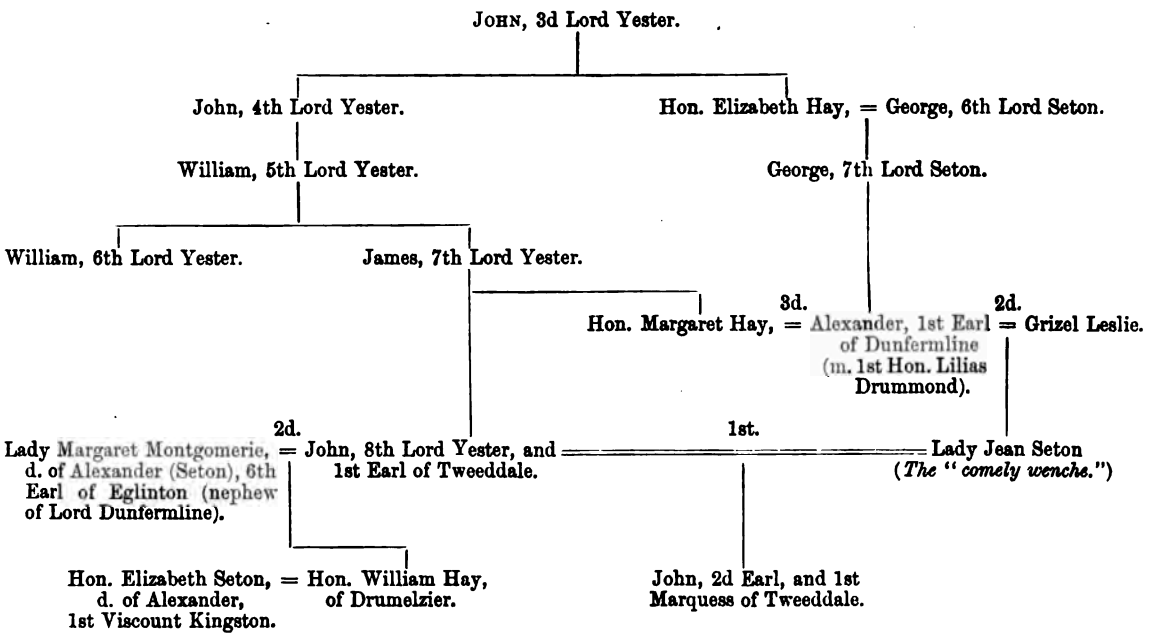
The Table on the following page exhibits the various intermarriages between the families of Hay and Seton in the sixteenth and seventeenth centuries:—

[1] The following may be given as specimens of the entries in the Edinburgh and Dunfermline Baptismal Registers respectively:—

"8 August 1599. Alex^{r}. Seatoun Lord Fyvie President Prouest of Ed^{r}. a d. n. Margaret. W. Robert Lord Seatoun Alex^{r}. M^{r}. Elphingstoun Lord Thesaurer and four baillies James Forman William Hammiltoun Johne Moresone Johne Lowrie."

"December 1609. The 26 day ane noble and potent Lord Alex^{r}. Earle of Dunfmlyne and heiche chanceler of Scotland had ane woman chyld borne to him of his Lady dame Margaret Hay baptized and callit Grisole."

HAY AND SETON INTERMARRIAGES.


JOHN, 3d Lord Yester.
John, 4th Lord Yester.
Hon. Elizabeth Hay, = George, 6th Lord Seton.
William, 5th Lord Yester.
George, 7th Lord Seton.
William, 6th Lord Yester.
James, 7th Lord Yester.
3d.
Hon. Margaret Hay, = Alexander, 1st Earl of Dunfermline (m. 1st Hon. Lilias Drummond).
2d.
= Grizel Leslie.
2d.
Lady Margaret Montgomerie, d. of Alexander (Seton), 6th Earl of Eglinton (nephew of Lord Dunfermline).
= John, 8th Lord Yester, and 1st Earl of Tweeddale.
1st.
= Lady Jean Seton (The "comely wenche.")
Hon. Elizabeth Seton, d. of Alexander, 1st Viscount Kingston.
= Hon. William Hay, of Drumelzier.
John, 2d Earl, and 1st Marquess of Tweeddale.

By his "Letter-will," Lord Dunfermline left his nephew, George, third Earl of Winton, sole tutor to his son Charles (who was about fourteen years of age at the time of his father's death), and the Earl "keeped him and his sister (Lady Grizel), and their servantts, in his house, free gratis, all the years of his tutory."[1] Lord Kingston adds that the Earl of Winton, having paid out of the estate 30,000 merks as a portion to the young Earl's half-sister Jean (Lady Yester), and the same sum to his full sister Lady Grizel (which she left to her brother at her death), "at the expiry of the tutory, gave, likeways, to the said Charles, Earle of Dumfermeline, 10,000 merks gold of the superplus of his rent, which soume he consigned in the face of the lords of session, Chancellour Hay being present. This the said George, Earle of Winton, did the 4 (?) years he was his tutor, though Dumfermlines mother liferented 20,000 merks yearly, with the house of Pinky and Dalgaty; yet he left him, at the expyring of the said tutory, the estate free of all debt whatsomever, with all his jewells and silver plate, which were considerable great, with the household furniture, and all other moveables whatsomever."

The holograph "Testament testamentar and Inventar of the guidis, geir, sowmes of money, dettis etc. of Alexander, Erle Dumfermling, Lord Fyvie and Vrquhart, heich chancellour of Scotland, quha deceist vpon y^e^ xvj day of Junij, y^e^ yeir of God 1622 yeiris," dated at Holyroodhouse 4th March 1620, with codicil dated at Pinkie 12th June 1622 (four days before the Testator's death), and recorded 30th

[1] Continuation of the History of the House of Seytoun, p. 65.

September 1625, occupies about fifteen closely written folio pages of the Register.[1] It bears to have been partly given up by the Testator, and partly by George, Earl of Winton, "tutor lawful to Lord Chairles Seytoune, minor, only lawfull son of the defunct." The Testament begins with the usual references to the uncertainty of life and to the Testator's weakness of body but health of mind, and provides for his burial, by his honourable and nearest friends, "far alwayis frome all pompe and gloriositie qlk all y^{t} knowis me may know I never lykit. Of the place of my rest, I wis to be in y^{e} littil ile biggit be myself at y^{e} kirk of my hous at Dagatie." He leaves all his moveable goods and gear to his only son Charles, successor to his lands and heritages, and constitutes him his general executor and legatory. After stating that several of his children are likely to be under pupillarity at the time of his death, he appoints, as their tutors, his "nobill Lord and Cheiff," his nephew George, Earl of Winton, and failing him, his brother, Alexander, Earl of Eglinton, and his own brother, Sir William Seton, "albeit he be aire narrest to me efter my sone, be tailzie and provisioune maid be myself;" and alludes to the friendly feeling which had always prevailed among the different members of his House, as all "cumbit of ane stok." "This," he says, "is a portioune of folische warldlie caire qlk we haue labourit to put togidder and faschioune as in a mase, baithe land and geir, studdie how to sattill y^{e} samyne to our posteritie as a memorie of us and as gif thairby we micht mak ourself in sume degrie

[1] Commissariot of Edinburgh, vol. 53—H. M. Gen. Register House.

immortall as consettit [*conceived*], qlk I thank God I thocht euer baith idle and vaine. I nather think nor expect immortalitie nor rest in vther nor in God."

The codicil ratifies the bonds granted by the Testator in favour of his two daughters, Ladies Jean and Grizel, as a provision for their marriages—£20,000 to the former, and 20,000 merks to the latter; and after alluding to his "nobill freindis," the curators named in the bonds, he proceeds as follows: "As euer thay profesit love to me or wishis y^e^ almichtie God to grant his blissing to thame and thairs that thay haue speciall caire of thair guid educacione and to be provydit hon^lle^ to guid matches conforme to thair estaitis." He further authorises the curators, with the advice of his brother Sir William Seton, to increase the sums in the bonds, if necessary or expedient, with the view of procuring suitable unions, expressing a hope that his son "Lord Chairles, bot now of tender yeiris, as he will deserve my blissing," will not suffer the marriages to be delayed for the additional payment of "fyve, sex, aucht, or ten thowsand merkis, or pundis vsuall Scottis money." He desires the Earl of Winton to undertake the charge of his son and his daughter Lady Jean, recommending the "vertuous vpbringing" of the former "in lettres and otherwayis, according to his estait and ranke." In the case of the other daughter, he leaves it to his "bedfallow hir mother" to determine whether or not she is to be brought up by herself or by Lord Winton. He directs Lord Winton and his brother Sir William Seton to complete certain additions and alterations at Pinkie "intendit and

begune" by himself, in accordance with the relative plans; and in giving instructions regarding the preparation of inventories of his moveables, he refers to Alexander Inglis of Rottenraw,[1] his "servand," and Mr James Raithe, his "secritaire."

From the subjoined excerpt from the "Inventar," it would appear that the Chancellor possessed a number of valuable jewels (including upwards of 500 diamonds), as well as a liberal supply of silver plate. The particulars relative to his tapestry, and the wardrobes of his "tua first ledies," will, no doubt, be duly appreciated by lady readers. A list of the books in the libraries at Pinkie and Fyvie—valued at £1333, 6s. 4d.—would have been very interesting.[2]

Followis y^{e} goldsmith wark and jowellis by [*over and above*] y^{e} airschipe viz. tua gold cheinzes [*chains*] weyand ane pund sevin vnce and xv drope wecht at xxxiiij lib. y^{e} vnce wecht, summa, . . . vij^{c}lxxxiiij^{li}

Item, tua carcattis [*necklaces*] of gold set w^{t} lxv diamondis lxxx rubies thrie imrodis [*emeralds*] and j^{c}xxj orientall pearle estimat baith to, ... j^{m}v^{c} li

[1] See Retours, Co. of Edinburgh, November 3, 1640.

[2] Not many years ago, the fine collection of Mr James Gibson-Craig contained a solitary volume entitled Discours Chrestiens de la Divinité, la Creation, etc., par M. Pierre Charron, Paris, 1604, and bearing the book-stamp of Lord Dunfermline, which cannot now be found. Fortunately, a careful rubbing of the stamp was taken by Mr Henry Laing, author of the well-known Catalogues of Ancient Scottish Seals, from which an accurate reproduction has been made for the cover of this Memoir.—See also end of Preface.

Item, tua hornis [*tags or 'points'*] of gold set w^{t} lxxvij diamondis and tua rubies estimat baith to, ... j^{m}iiij^{c}xl^{li}

Item, ane jewell callit Orpheus[1] haueing xx diamondis and xv rubies estimat to, . j^{m}v^{c}lx^{li}

Item, ane pair of gold garnischingis [*jewelled hat-bands or ribbons?*] contening xxxiiij buttonis set w^{t} diamondis rubies and pearle estimat to, ... ix^{c}lxxxxvj^{li}

Item, ane suane of gold set w^{t} xl diamondis tua rubies and ane pearle estimat to, . . vj^{c} ^{li}

Item, ane cros of gold ane agatt set in gold ane borke [*bodkin*] of gold ane cingnie [*signet?*] of gold ane pair of gold braislettis ane gold pyketuithe ane orientall topaze set all w^{t} ane hundreth xxxvj diamondis xxviij rubies xviij pearle xij opallis and iiij emeraldis estimat to . ij^{m}viij^{c} ^{li}

Item, xxj diamond ringis set w^{t} tua hundreth sevin diamondis estimat all to, . . vj^{m}i^{c}lxx^{li}

Item, ane rubie and sapheir set in (ane) griphone [*the Seton Crest*] estimat to, . . iij^{c}lx^{li}

Item, ane portrat of y^{e} Virgine Marie and tua of y^{e} ordour of Sanct George in gold estimat to, ... j^{c}l^{li}

(£16,360) xvj^{m}iij^{c}lx^{lb}

[1] The following description of a valuable royal jewel, bearing the name of "H," occurs in the Register of the Privy Council of Scotland, under the date 30th September 1594. "Ane jewell callit the H., single onlie, with the grite diamont in the middis of the same H., and ane small chenzie of gold of tua inche lang, all weyand ane vnce and halff ane vnce wecht, wanting tuelf granes." This jewell was given in pledge by James VI. to Thomas Foullis for the loan of £12,000 Scots, and returned to his Majesty on the repayment of the money, 13th January 1597-8. It may perhaps have been a gift to the King's great-grandfather, James IV. from his brother-in-law, *Henry* VIII.

Followis y^e siluer plait by y^e airschipe :—

Item, veschell trincheouris baseinis laweris coupis saltfattis [*salt-cellars*] maiseris [*bowls*] spunes and vther silver wark gilt partiall gilt and plane extending to ix staine fyve pund xv vnce and sevin drope wecht price of y^e vnce wecht iij^lib summa, . (£7198, 7s. 0d.) vij^m j^c lxxxxviij^ll vj^s

Item, xxv peice of tapestrie by y^e airschipe portrat and forrest warke xxiiij peice gilt ledder tapestrie w^t ane hundreth lxxx ellis of dornik hingingis[1] estimat all to, . . . (£1132, 6s. 4d.) j^m j^c xxxij^ll vj^s iiij^d

Item, his Librarie in Pinkie and Fyvie by the airschipe estimat to, (£1333, 6s. 4d.) j^m iij^c xxxiij^ll vj^s iiij^d

Item, standing in y^e wairdrope of Pinkie ane coffer q^r in is sevin gowinis waskeines [*basques, or skirts*] traynes imbrouderit satenis and clethe of tischew qlkis pertenit to y^e said vmq^le nobill erles tua first ledies estimat to, ... } j^m *merks*

Item, in vtenceillis domiceillis w^t y^e abulyementis[2] of his bodie and armour by y^e airschipe estimat to, . . (£4000) } v^m *merks*

(£30,023, 19s. 8d.)[3] xxx^m xxiij^ll xix^s viij^d

Notwithstanding the second Earl's succession to so flourishing an estate, Scotstarvet states that "a few years after

[1] Curtains made of a species of linen cloth deriving its name from Doornick, in Flanders, from which it was probably first imported.—See Francisque-Michel's Civilisation in Scotland (1882), p. 53.

[2] Clothing—a term derived from the French word *habilyement* or *habillment*. —Ibid., p. 69.

[3] The sum of the *entire* Inventory amounts to £43,959, 10s. 2d.; and, including the debts due to the deceased (£11,797, 13s. 4d.), to £55,757, 3s. 6d.

his majority, by playing and other inordinate spending, all was comprised from him; and when he was debarred by promise to play at no game, he devised a new way to elude his oath, by wagering with any one who was in his company, who should draw the longest straw out of a stack with the most grains of corn thereon."[1]

From the decisions collected by Gibson of Durie, it appears that the Earl was greatly harassed, during the earlier portion of his life, by a series of lawsuits at the instance of his mother, then Countess of Calendar, which may have had something to do with his financial difficulties. The merest glance at her portrait at Yester suggests the idea of a woman of determination and force of character. I have already noticed her conduct, in 1649, in connection with the erection of "idolatrous and superstitious images" in the church of Dalgety; and the same year, the following entry occurs in the records of that parish relative to another misdemeanour: "June 17, 1649. The Sessione considering how scandalous to the Lord's people it is my Ladie Calendar her tarreing at home upone the Lordis day and not coming to the kirk, appoynts the minister and ane elder to goe to her and admonish her." The result of the enjoined admonition does not appear in the Register. As previously stated, she died ten years afterwards, at the close of the year 1659, at the same age (sixty-seven) as her first husband the Chancellor, whom she accordingly sur-

[1] Staggering State of Scots Statesmen, p. 17. A good many of Scotstarvet's statements must be accepted *cum grano*. A recent writer, in referring to him, speaks of his "accustomed malignity."

vived for the long period of thirty-seven years. It would therefore appear that she was born about 1592, and that, at the time of her marriage in 1607, she must have been little more than fifteen years of age—a good example of an alliance between June and December![1] By a letter from Charles I., dated 4th June 1635, when the Chancellor's widow was Lady Almond, she was allowed "to retaine the place dew to her as Countess of Dumfermline."

The second Earl of Dunfermline appears to have taken an active part in public affairs, during the reigns of Charles I. and II. He was frequently at the English Court with the former, to whom he acted as gentleman of the bedchamber; on more than one occasion, commanded a regiment in the Scots army; and was appointed by Charles II. to the office of Lord Privy Seal, which he held at the time of his death, in the year 1672.[2] In 1637, the Bailiary and Justiciary of Dunfermline were conferred upon him by royal charter, the offices being subsequently ratified by the

[1] Such unions were not very uncommon in the 16th and 17th centuries. No less a man than John Knox, when he had reached the mature age of fifty-nine, married a second wife in the person of "a Lords daughter, a young lass not above sixteen (seventeen) years of age."—See Stevenson's Familiar Studies of Men and Books, p. 392.

[2] He died at Seton House, and "was noblie interred att his burial place in Dalgaty."—Continuation of the History of the House of Seytoun, p. 67.

In the charter-room at Fyvie Castle, there is an interesting collection of about thirty documents relating to public transactions between 1640 and 1670, in which the second Earl of Dunfermline bore an important part; including letters and instructions from Charles I., the negotiations between Charles II. and the Commissioners of the Scotch Estates at Breda, and the gift of the Privy Seal of Scotland. In the same repository, there are numerous important papers connected with his father, the Chancellor.

Scottish Parliament in 1641. According to Scotstarvet, the yearly value of the Abbacy of Dunfermline, of which he got a three nineteen years' "tak" from Charles I., was 20,000 pounds Scots (about £1660 sterling); "and in that space," he adds, "if he shall happen to bruik [*enjoy*] it, it will amount to 1,100,000 merks."

Contrary to the ecclesiastical traditions of his family, he sided with the Covenanters, and signed the National Covenant at Dunfermline in 1638. He acted as Commissioner to the General Assembly of the Church of Scotland which met at St Andrews in July 1642. After the execution of Charles I. in 1649, he went to Holland to attend upon Charles II., with whom he returned to Scotland the following year. He was sworn a Privy Councillor at the Restoration in 1660, and nine years later was appointed an Extraordinary Lord of Session. In 1664, the Rev. Andrew Donaldson, minister of Dalgety, who had joined the protesting party in the Church, was ejected for not conforming to Episcopacy. His generous benefactor, Lord Dunfermline, who happened to be in London at the time, succeeded in obtaining a warrant from the King reponing Donaldson in his charge, but this was afterwards revoked through the instrumentality of Archbishop Sharp. His successor in the living, with the sympathy and concurrence of Lord Dunfermline, permitted him to reside, for many years, in the apartments in Dalgety church already referred to, where his daily wants were supplied by his former parishioners. Donaldson subsequently lived at Inverkeithing, and after the Revolution of 1688, he was

restored by Act of Parliament to his old position of parish minister of Dalgety.

Lord Dunfermline's public services are narrated in an "Act of exoneration and approbation" in his favour (22d September 1641), which declares that he "heath in all integritie diligence and wisdome above his yeires from the first begining of the pacification to the cloising thereof walked woorthie of so great trust . . . and therfor his Ma^tie and Estates of Parlia^t . . . doe honno^r him w^t this ther nationall testimony that he hath deserved weel of the publict as a loyall subject to the King, a faithfull servant to the Estates of Parlia^t, and a true patriot to his cuntrie."

After alluding to the ecclesiastical vacillation of Lauderdale, Bishop Guthry remarks that "the Earl of Dunfermline, in his way, went somewhat near to the other. His worthy father had been, by King James, preferred to be Chancellor of Scotland, and Earl of Dunfermline, and had also this honour, that King Charles, being then Duke of Albany, was, in his infancy, educated in his family, upon which reasons his Majesty carried with more than ordinary affection to this Earl of Dunfermline, his son, and of late gifted him, for his lifetime, the revenue of the lordship of Dunfermline, reckoned to be about £1000 sterling *per annum;* yet notwithstanding thereof, was he so forward in the cause (of the Covenanters), that he had ever been chosen for the prime commissioner in all the applications they made to his Majesty, which was a trust they would not have put upon any, anent whom

they had not a certain persuasion that he was fixed that way."[1]

Although the second Earl of Dunfermline appears to have entered warmly into the earlier movements of the Covenanters, he is said to have gradually veered round to the side of the Royalists. Possibly his marriage to Lady Mary Douglas, third daughter of William, seventh Earl of Morton—a devoted Royalist—may have helped to bring about the change.

Besides other daughters, who appear to have died young or unmarried, he had Lady Henrietta (Grizel?), married first to William, fifth Earl of Wigton, and secondly to William, eighteenth Earl of Crawford, and three sons:—

1. Charles, Lord Fyvie, born 1640, killed in a sea-fight against the States of Holland in 1672.
2. Alexander, third Earl of Dunfermline.
3. James, fourth Earl.

Alexander, the eldest surviving son, born 1642, became third Earl of Dunfermline at his father's death, in the year 1672, and died at Edinburgh, about two years afterwards, at the age of 33, when he was succeeded by his younger brother James, as fourth Earl of Dunfermline. Lord Kingston states that the fourth Earl was left by his father and brother in considerable debt, "but, by his vertuous wise carriage, hes extricat himselfe of the greatest part of that trouble; and by his good and wise manadgment, not only preserves, but improves his estate, to his great commendation and honour."[2]

[1] Memoirs of Scottish Affairs, second edition, p. 111.
[2] Continuation of the History of the House of Seytoun, p. 68.

Among other interesting epitaphs at Dalgety Church, the following quaint inscription, on a granite slab, surmounted by a shield of arms, at the western end of the Dunfermline vault, commemorates Robert Meikle, a faithful servant of the fourth Earl:—

IN . OBITUM . ROBERTI . MEIKLE
QUONDAM . COMITIS . FERMILODUNENSIS
SERVI . FIDELISSIMI . QUI
DIEM . OBIIT . 29 . SEPTEMT : 1685
ÆTATIS . 45.

HIC . CONCERTARUNT . PROBITAS . SAPIENTIA . VIRTUS
CANDOR . CUM . NIVEA . SIMPLICITATE . FIDE
FILIUS . ECCLESIÆ . CUNCTIS . SPIRABAT . AMOREM
IN . PATRIÆ . PATREM . VISCERA . PLENA . TULIT.

In his younger days, the fourth Earl served in several memorable expeditions with the Prince of Orange. He attached himself to the cause of James VII., and commanded a troop of horse, under Viscount Dundee, at the battle of Killiecrankie in 1689. Dundee thus refers to him in a letter to the Earl of Melfort, dated "Moy of Lochaber, June 27, 1689." "Earl of Dunfermling stays constantly with me, and so does Lord Dunkell, Pitcur, and many other gentlemen, who really deserve well, for they suffer great hardships."[1] In a MS. in the Advocates' Library, entitled 'Pourtrait of True Loyalty,' it is stated that Lord Dundee waited at the cairn of Mounth till Mackay was within eight miles, and then marched back towards Gordon Castle, where he was joined by the Earl of

[1] Letters of John Grahame of Claverhouse, Viscount of Dundee, p. 50.—Ban. Club, 1826.

Dunfermline (the Duke of Gordon's brother-in-law), and forty or fifty gentlemen, chiefly vassals of the Duke, who was obliged to remain in Edinburgh to defend the Castle.

Lord Dunfermline's social position and military reputation were such that, after the death of Dundee, he would have received the command but for the unwelcome commission produced by Colonel Cannon. In referring to Killiecrankie, Macaulay states that, half an hour after his gallant leader fell from a stroke of a musket-ball, "Lord Dunfermline and some other friends came to the spot, and thought they could still discern some faint remains of life, when the body, wrapped in two plaids, was carried to the Castle of Blair." Outlawed and forfeited by Parliament in 1690, Lord Dunfermline followed the King to St Germains,[1] where he died without issue four years afterwards, about the age of fifty. He married Lady Jean, third daughter of Lewis, third Marquess of Huntly, and sister of George, first Duke of Gordon. He is lauded by the author of 'Prælium Gilliecrankianum' in the following lines:—

"Nobilis apparuit Fermilodunensis,
Cujus in rebelles stringebatur ensis;
Nobilis et sanguine, nobilior virtute,
Regi devotissimus intus et in cute."

From the deposition of Lieutenant John Nisbet, of Viscount Kenmure's regiment of foot, embraced in the

[1] The following letter relative to the fourth Earl of Dunfermline is given, from the "Denbigh Collection," in the 7th Report of the Royal Commission on Historical MSS.: "J'ai apris ce soir que my lord Dunferlin est arivée de Paris en Ecosse avec des armes quelque argent et quelques officiers pour tacher de reveiller le reste du party abatu." "$\frac{21}{11}$ Decembre, 1691, Vendredi."

process of forfeiture against the representatives of Lords Dundee and Dunfermline, it appears that "he saw the Earle of Dumfermling in armes after the fight at Kellachranky . . . and being Interrogat of what stature and visage the sd. Earle wes, Depones he was a midle sized man, weel fauoured, and *high-nosed.*"[1] It would seem, therefore, that the fourth Earl bore a strong resemblance to his father, whose aquiline nose forms a very prominent feature in his medallion in the British Museum, as well as in his portrait at Yester.

After the death of the fourth Earl of Dunfermline, 26th December 1694, the representation of the family appears to have devolved upon John Seton of Barns, great-grandson of Sir John Seton, first of Barns, the immediate elder brother of Chancellor Seton. John's son, George Seton of Barns, who, in 1704, was served heir of his grandfather (also George Seton of Barns), married Anne, daughter of Sir George Suttie of Balgone, and sold the lands of Barns to the celebrated Colonel Charteris, in 1715. In a bond dated 29th June 1727, he is described as "George Seton, late of Barns, *alias* Lord Dumfermling;" and in 1732, he appears to have resided in Haddington. His son, Colonel James Seton, Governor of St Vincent, married Susan, daughter of James Moray of Abercairney, and had a son, Lieutenant-Colonel James Seton, whose arms were recorded in the Lyon Register in 1806, and who appears to have been alive in 1842.[2]

[1] Acts of the Parliament of Scotland, 1690, App. p. 56.
[2] See Burke's General Armory.

CHAPTER IX.

ARCHITECTURAL AND HERALDIC SKILL.

WE have already seen that Chancellor Seton's skill in Architecture and Heraldry was displayed at a very early period; and of his devotion to both "sciences," he gave many practical illustrations during his later years. The following passage, from the pen of the lamented Dr Hill Burton, occurs under the notice of Pinkie House in the fourth volume of Billings's 'Baronial and Ecclesiastical Antiquities of Scotland:' "As this collection of illustrations has served to show, Scotland owes many of her architectural ornaments to the munificent taste of the family of Seton. They built Seton Church, and the Palace adjoining it, which has now disappeared. They built, according to their family historian, the old bridge of Musselburgh, which tradition makes a Roman work. That peculiar and beautiful structure, Winton House, was erected as a mansion for the head of the family.[1] Lastly, Alexander Seton, Earl of Dunfermline, who added the

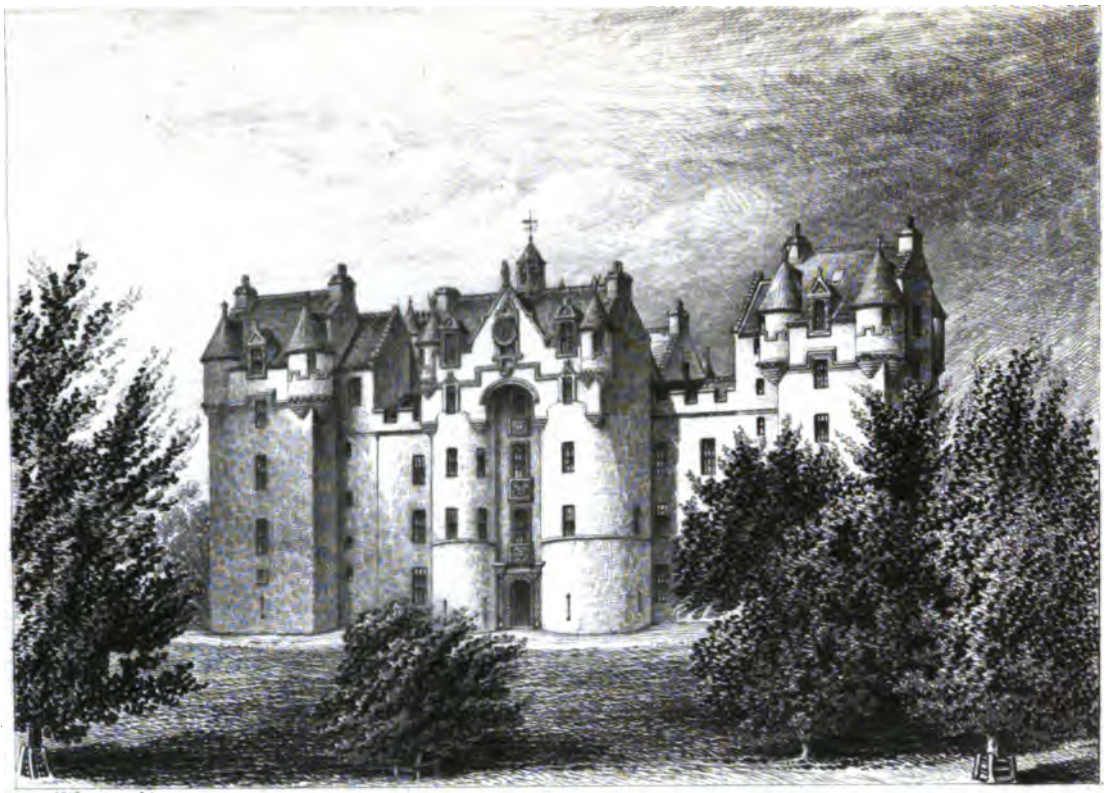
[1] Winton House was erected by George, third Earl of Winton, nephew of the Chancellor, who is elsewhere described in Billings as "a magnificent builder."

ornamental parts to Pinkie, was the same who got built for himself the even more stately and beautiful castle of Fyvie."[1]

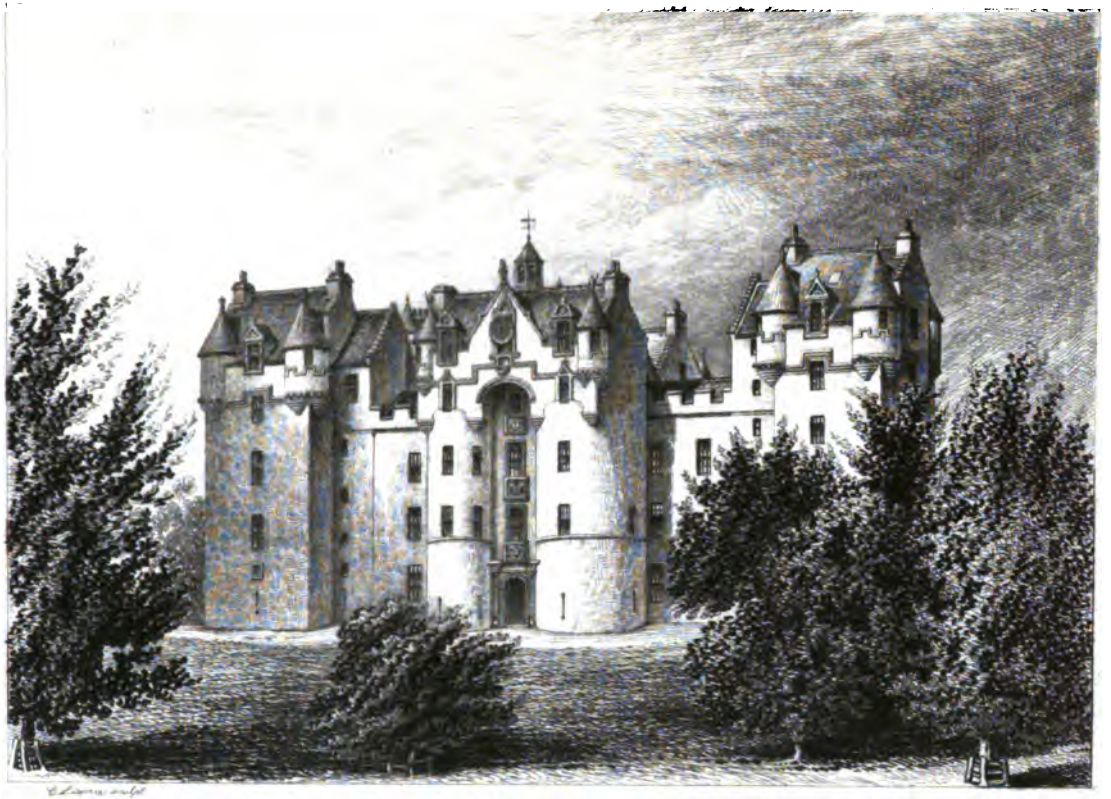
The estate of Fyvie, in the centre of the lowlands of Aberdeenshire, was acquired by the Prestons in 1390, and about 1440 by the Meldrums, from whom it appears to have been purchased by President Seton in 1596. A charter by Alexander II., confirming the church of Meldrum to the monks of St Thomas at Arbroath, is dated at Fyvie (Fyuyn) on the 22d of February 1221-2, and the castle of Fyvie—"Fyuin chastel"—was one of the stages in the progress of Edward I. through Scotland in 1296.

Of Gaelic etymology, the name is said to be derived from *Fia Chein*, signifying "Deer-hill," and there is a hill in the parish which still bears that name. Towards the very end of the 14th century, the "Castel of Fivy" was gallantly defended by the "gud lady" of Sir James Lindsay, cousin of Robert III., although "assegit straitly" by her undutiful nephew, Robert de Keith, son of the Marischal. The castle stands on the north-east bank of the Ythan, within an extensive park, containing a lake well stocked with fish, and some fine timber. The south-east wing, still called the "Preston Tower," is supposed to have been erected about 1400. In the south wing is "Seton Tower," with the arms of that family cut in freestone over the entrance. The old iron door still remains, formed of huge interlaced bars, and fastened by iron bolts drawn out

[1] Three admirable engravings of Fyvie, and two of Pinkie, are embraced in Billings's valuable work.



Fyvie Castle.



Fyvie Castle.

recess of peculiar height and depth. The minor departments of the building are profusely decorated with mouldings, crockets, canopies, and statuary. The interior is in the same fine keeping with the exterior. . . . The great stair is an architectural triumph such as few Scottish mansions can exhibit; and it is so broad and so gently graduated as to justify a traditional boast that the laird's horse used to ascend it."[1]

Some of the passages in the treatise on "Building," which first appeared in the enlarged edition of Bacon's 'Essays' published in 1625—the year before the learned author's death—are so descriptive of the most prominent characteristics of Fyvie Castle, as to suggest the possibility of the English Chancellor having had the northern abode of his Scottish colleague in his eye when he penned them.

"You cannot have a perfect Palace," he says, "except you have two several Sides; a Side for the Banquet, as is spoken of in the Book of Hester; and a Side for the Household: The one for Feasts and Triumphs, and the other for Dwelling. I understand both these Sides to be not only Returns, but parts of the Front; and to be uniform without, though severally partitioned within; and to be on both sides of a great and stately Tower, in the midst of the Front; that as it were joineth them together, on either hand. . . . As for the Tower, I would have it two stories, of eighteen foot high apiece, above the two Wings; and a goodly Leads upon the top, railed with Statues interposed; and the same Tower to be divided into Rooms, as shall be thought fit. The Stairs likewise to the upper Rooms, let them be upon a fair open Newel, and finely railed in, with

[1] Billings' Antiquities of Scotland, vol. ii.

Images of wood, cast into a brass colour: And a very fair Landing-place at the top."

A charter granted to the third Earl of Dunfermline in 1673, recites in the preamble that his father, grandfather, and their predecessors had the privilege of holding a weekly market on Thursday, and three annual fairs, on the lands of the manor-place of Fyvie, one on Fastern's Eve (Shrove Tuesday), another on St Peter's day (the first Tuesday of July), and the third on St Magdalene's day (the last Tuesday of the same month). The charter also erects the lordship of Fyvie into "ane free burgh of Barony," and grants power to the Earl and his heirs to nominate bailies and magistrates for its government, to make a "tolbuith," and to execute justice on all committers of murder, theft, and other crimes, within the limits of the burgh. The two annual fairs on Fastern's Eve and St Peter's day are still regularly held and well frequented.[1]

The castle and surrounding domain are now the property of a branch of the family of Gordon, by whom they were acquired in 1726. Montrose is said to have passed a night at Fyvie Castle, which has a popular place in Scottish poetry, in connection with the loves of its valiant trumpeter, Andrew Lammie, and the "Mill o' Tiftie's Annie."

"He hied him hame, and having spieled
To the house-top of Fyvie,
He blew his trumpet loud and shrill,
'Twas heard at Mill o' Tiftie."

True to the legend, the figure of a trumpeter, springing

[1] New Statistical Account of Scotland, Aberdeen, p. 330.

from the summit of one of the castle turrets, still points his bugle towards his sweetheart's abode.

While evidence of Chancellor Seton's taste for heraldry appears at both Pinkie and Dunfermline,[1] his weakness for the "noble science" is most conspicuously displayed at Fyvie Castle. Both outside and inside, his family arms, impaled with those of his first wife,[2] occur in more than one position, in one instance accompanied by the date 1598; while his paternal coat is repeated at every turn of the great staircase, and in other parts of the interior. The charter-room is beautifully panelled with crescents and cinquefoils—the principal charges in the Seton and Hamilton escutcheons—and exhibits, in two places, the Chancellor's monogram, which also occurs on the old entrance to the castle, already referred to as "Seton Tower." His family bearings, in the combined form, are blazoned on

[1] A cinquefoil within a crescent, surmounted by an Earl's coronet and the date 1607, is sculptured on the outside of the south door of Dunfermline Abbey, and the same pretty design appears upon one of three seals of the Chancellor, described in Laing's Supplementary Catalogue of Scottish Seals, Nos. 897-9. Two more of his seals are given in the *first* volume of the Catalogue, under Nos. 741 and 1099, making five in all; of which four are engraved in this work. The full Dunfermline arms were blazoned on a board formerly affixed to the front of the Earl's Gallery in the Abbey Church, and for some time preserved in the interesting collection of antiquities formed by the father of Sir Noel Paton.—Chalmers's History of Dunfermline, i. 122.

[2] *Dexter*—or, on a fess, above three crescents within a double tressure flowered and counter-flowered gules, as many cinquefoils argent. *Sinister*—or, three bars waved gules (Drummond). The dexter coat is a combination of the Seton and Hamilton charges. The family afterwards carried a quarterly escutcheon—1st and 4th or, three crescents within a double tressure flowered and counter-flowered gules—2d and 3d argent, on a fess gules, three cinquefoils of the first—the crest being a crescent gules, with the motto "Semper," and two horses, at liberty, as supporters.

PRIOR OF PLUSCARDEN.
1586.

BAILIE OF REGALITY
OF DUNFERMLINE.
1598.

EARL OF DUNFERMLINE.
(SIGNET)
1605.

EARL OF DUNFERMLINE.
1618.

SEALS OF CHANCELLOR SETON.

the "factor's pew" in the parish church of Fyvie, above the words "Alexander Seton, Lord Fyvie," and the date "1603;" and quarterly, on a chaste silver communion-cup belonging to the same parish, bearing the following Latin inscription relative to its presentation: "Deo sacrisque in Ecclesia Fyvæana faciendis dicavit Alexander Setonius Fermelinoduni Comes, etc. Anno Salutis 1618." The escutcheon is surmounted by a large coronet, under a crescent and the Dunfermline motto "Semper." An interesting piece of stained glass, about ten inches square, was recently found in the drawer of an old table at Fyvie Castle, which is intended to be preserved, in a suitable position, in the parish church. It exhibits Lord Fyvie's arms, in the combined form, on a highly ornamental escutcheon, surmounted by a very elegant mantling (without a helmet), on which is placed a crescent within a similar figure inverted, under the motto "Semper." The arms are surrounded by a circular garter bearing the words, "Alexander Seton Lord Fyvie 1599." The following legend, in large Roman letters, appears at the top of the great staircase of the castle, the first four words being alternately separated by crescents and cinquefoils (Seton and Hamilton), and the others by buckles, the bearings of the Leslie family:—

"Alexander Seton Lord Fyvie—Dame Gressel Leslie Ladie Fyvie—1603."[1]

[1] The following entry occurs in the accounts of the Burgh of Aberdeen, of which extracts are printed in the fifth volume of the Spalding Club Miscellany: "1602-3. Item, the XI of August, for the wyne and spicerie presentit to my Lord of Fyvie, president, 7 lib. 10s."—probably in honour of his marriage to "Dame Gressel Leslie."

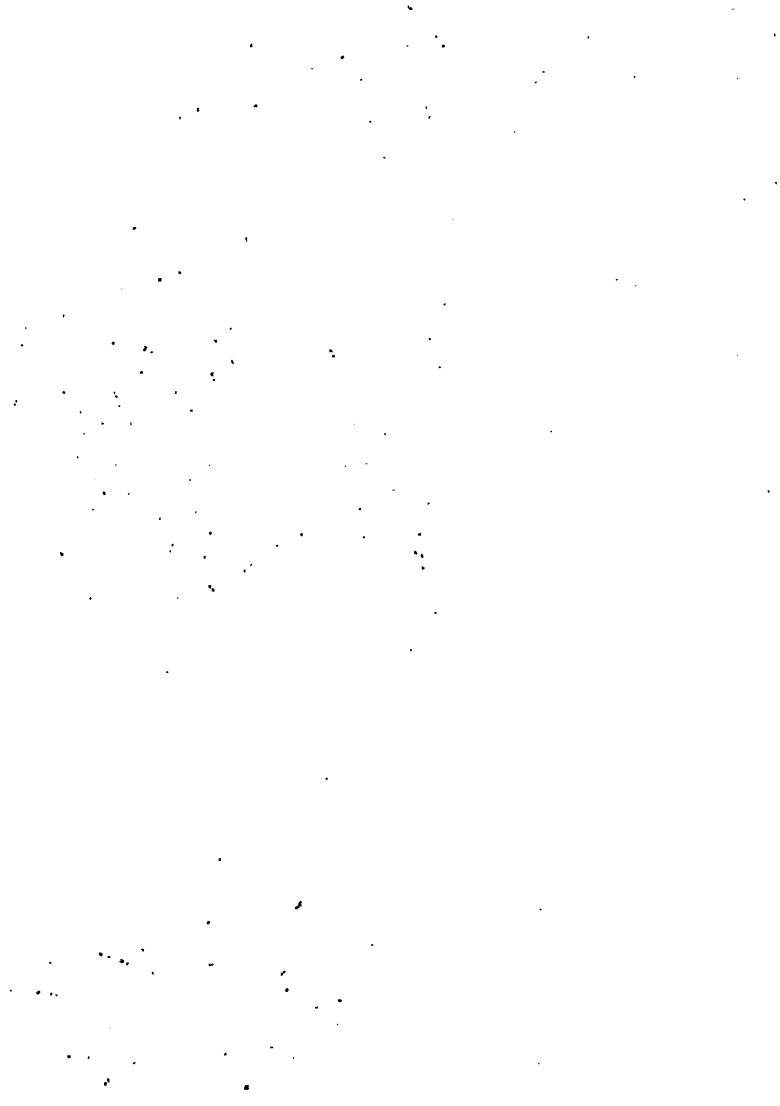
The southern residence of the Chancellor, now surrounded by venerable chestnuts and sycamores, was in the immediate neighbourhood of the old town of Musselburgh, and within six miles of the Scottish metropolis. Like his Aberdeenshire castle, it has long been consecrated to the Scottish muse.

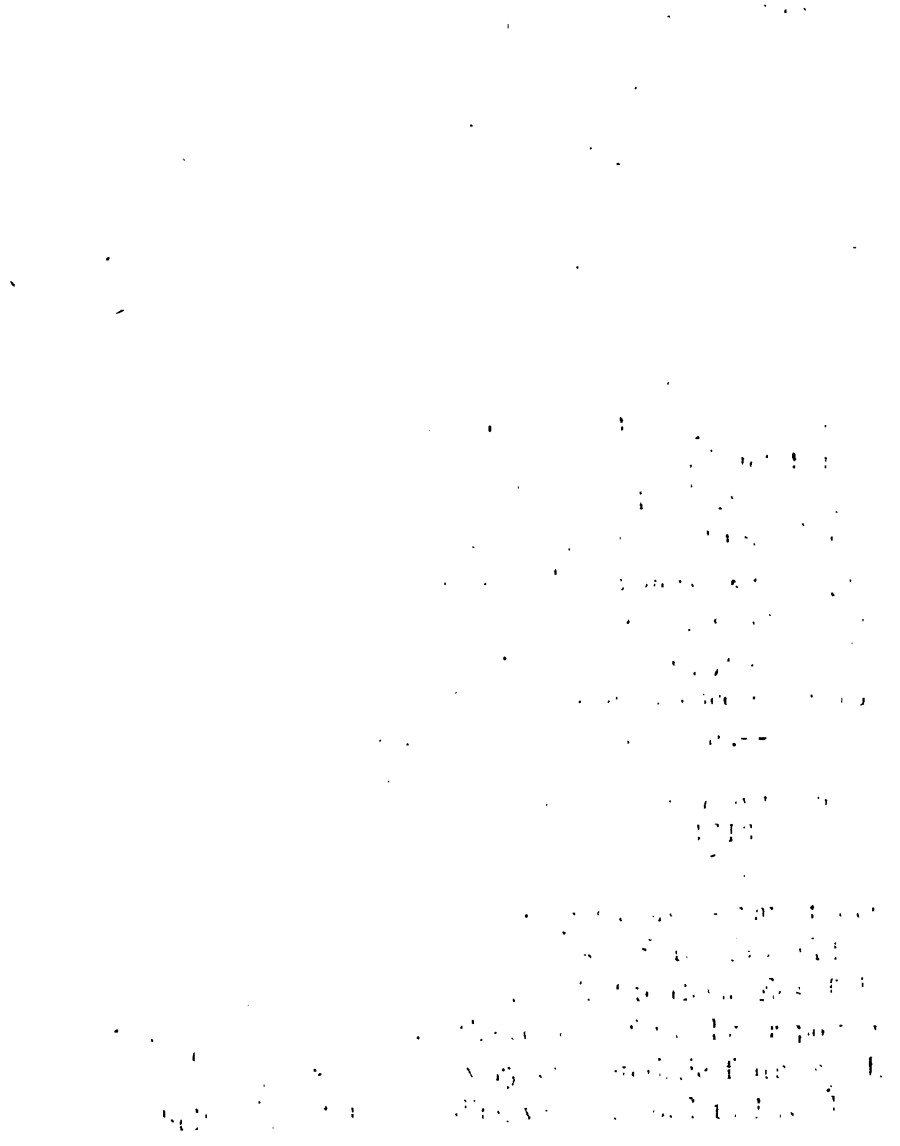
> "By Pinkie House oft let me walk,
> And muse o'er Nelly's charms!
> Her placid air, her winning talk
> Even envy's self disarms."

It is generally believed that the principal portion of Pinkie House, including the "King's room" and Painted Gallery, owes its existence to Lord Dunfermline. The family chronicle informs us that "he acquired the lands of Pinkie, where he built ane noble house, brave stone dykes about the garden and orchard, with other commendable policie about it;" and the following inscription, although unfortunately no longer visible in consequence of modern additions, is cut upon the front of the mansion:—

> "Dominus Alexander Setonius hanc domum ædificavit, non ad animi, sed fortunarum et agelli modum, 1613."

The central edifice consists of a massive square tower, the walls being of great thickness and the ground-floor strongly arched. The turrets attached to the angles of the tower, as well as those on the corners of the lower portion of the structure, present very characteristic features. It is supposed that the building was intended to have been





Pinkie House.

quadrangular, with the elaborate fountain, which stands in front, in the centre of the court; but although the design appears never to have been completed, the aspect of the mansion is dignified and pleasing. Many portions of the interior are possessed of considerable interest. One very lofty room is said to have been occupied by the Chevalier on the night after the battle of Prestonpans, while the Painted Gallery is of great length, the wooden ceiling being entirely covered with devices and inscriptions. Many of the latter also occur on different portions of the stone-work, and usually consist of maxims similar to the one already quoted, having reference to the vanity of sumptuous abodes. Thus: "Curandum majus ut læte quam ut late habitemus." "Sæpe in palatiis labor et dolor—in tuguriis quies et gaudium habitant." Possibly, as has been suggested, the learned Chancellor was conscious of his besetting weakness for the mortar-tub. His initials (A. S.) are frequently intertwined on the ceiling of two other apartments on the same floor as the King's Room, interspersed with coronets, crescents, and cinquefoils. In the smaller of these two rooms, the full armorial ensigns of Lord Dunfermline, moulded in stucco, surmount the mantelpiece, accompanied by the following good advice:—

"Nec cede adversis rebus,
Nec crede secundis"—

which is only an adaptation of the words inscribed by his chivalric father at his Palace of Seton, in allusion to his own painful experiences after the disaster of Langside:—

"In adversitate patiens;
In prosperitate benevolus.
Hazard yet fordward."

Lord Dunfermline was not the first distinguished lawyer who resided at Pinkie. In May 1571, during the civil war which then raged in Scotland, "thre cofferis of Mr James M'Gillis going out of Leyth to Pinkie, estemed worth 1000 lib.," were taken by the Queen's partisans. The owner of the coffers was James Makgill of Rankeillor, Lord Clerk Register and a Lord of Session (eldest son of Sir James Makgill, Provost of Edinburgh), whose grand-nephew, another Sir James Makgill, was created Viscount Oxfurd in 1651. The Lord Clerk Register either acquired the Barony of Pinkie, or lived there for greater security, and died in 1579.

Pinkie appears to have been purchased by the Tweeddale family shortly before the forfeiture of the Dunfermline title in 1690, and about a hundred years later (1788), it was acquired from the Hays by Sir Archibald Hope of Craighall, grandfather of the present proprietor.

CHAPTER X.

CHARACTER AND QUALIFICATIONS.

IN estimating the character of Alexander Seton, we must not fail to keep in mind the eventful occurrences of the times in which his lot was cast. Five years after he was born, the old faith, to which his family had for ages been devotedly attached, was supplanted by the Reformed religion; and not many months before he was promoted to the office of Chancellor, the crowns of England and Scotland had been united in the person of James VI., by the death of the "Virgin Queen." These important ecclesiastical and political changes naturally produced no little excitement in the public mind; and at such a crisis, the judicial and administrative capacities of those in authority were, of course, severely tested. Seton appears to have given evidence of superior gifts at a very early age; and as the result of his legal studies on the Continent, his "public lesson" at Holyrood elicited the applause of the King and the leading members of the College of Justice. After successively holding the position of Extraordinary and Ordinary Lord of

Session, he was advanced to the headship of the Court at the comparatively early age of thirty-eight. We have seen how vigorously he acted during the troublesome disputes between the Kirk and the Crown, a few years after he became Lord President; and how, on two special occasions, he had the courage to oppose the will of the sovereign, under whose continuous favour he had prospered from his earliest years. In justice to his royal master, we ought to remember that the firmness which Seton displayed, however much it may have vexed the King at the time, did not come in the way of the bestowal of distinguished honours. The same year that the President maintained the independence of the Court in the case of the Rev. Robert Bruce, he was dignified with the title of Lord Fyvie; and notwithstanding his determined resistance to the contemplated English invasion, he was shortly afterwards intrusted with the supervision of the youthful Prince Charles, appointed Chancellor of Scotland, and advanced to the Earldom of Dunfermline. During his later years, he continued to preserve the royal favour, in spite of occasional rebukes arising from his lukewarmness towards the King's ecclesiastical changes, and his dislike to the domineering conduct of the bishops.

Probably few lawyers have held so many offices, or enjoyed so many honours, in the course of their lives. Besides his various judicial appointments, culminating in that of Lord Chancellor, Seton filled the office of Provost of Edinburgh for no less than ten consecutive years, and was, for a short period, chief magistrate of Elgin. He was also

Commendator of Pluscarden, one of the far-famed Octavians, the King's Commissioner, Keeper of the Palace of Holyrood, and heritable Bailie and Constable of Dunfermline. In addition to his high honours and numerous offices, he had the good fortune to be the owner of extensive possessions in at least four counties of Scotland. No doubt, apart from his natural capacity, he started with many important advantages. Sprung from an ancient House, long celebrated for its consistent devotion to the Crown, he secured the royal favour at a very early age; and in his advancing years, his successful career was probably materially assisted by his various matrimonial alliances with families of influence and distinction.

It has been truly said that Seton's character must have been of no ordinary kind when it elicited the approbation of such dissimilar men as Spottiswood and Calderwood. According to the former, "he exerced his place with great moderation, and to the contentment of all honest men: he was ever inclining to the Roman faith as being educated at Rome in his younger years, but very observant of good order, and one that hated lying and dissimulation, and above all things studied to maintain peace and quietness."[1] Calderwood says that "howsoever he was popishly disposed in his religion, yet he condemned many abuses and corruptions in the Kirke of Rome. He was a good justiciar, courteous and humane both to strangers and to his owne country people; but noe good friend to the bishops." Scotstarvet asserts that Seton "professed himself a Pro-

[1] History of the Church and State of Scotland, p. 543.

testant in outward show, but died an avowed Papist;" but this statement is probably open to question, and was, no doubt, mainly suggested by the circumstance of his early training at Rome, and the well-known traditions of his family. A similar insinuation is more than once referred to in the preceding pages, but in almost every instance the allegation proceeds from a prejudiced quarter. Besides Calderwood's admission of his reforming inclinations, Pont expresses a pretty decided opinion regarding the President's orthodoxy, in the Dedication of his 'New Treatise' already referred to. His persistent hostility to the bishops, and his dignified and impartial conduct in the case of Mr Robert Bruce, seem rather to indicate what, in later times, would have been regarded as an approach to Erastianism.

Many other writers bear testimony to Seton's moral and intellectual qualities. While Dempster,[1] somewhat pedantically, pronounces him to have been "caput senatus, bonorum corculum, Zaleucus alter," he is thus panegyrised by Arthur Johnston:—

> "Sub Jove liquit humum, spreto Themis aurea cælo,
> Nunc tecum in terris, Haye! tribunal habet."

In the 'Earl of Perth's Autobiography,' he is described as "endued with most virtuous, learned, and heroic qualities," and as "having spent a great part of his youth in the best towns of Italy and France, where all good literature was professed—a man most just and wise, deserving greater

[1] De Scriptoribus Scotis, Ban. Club, 1829.

commendation than paper can contain."[1] Crawfurd says that "he lived in honour and prosperity, in the highest favour both with prince and people, and discharged his great office with the general applause of the whole kingdom. . . . He was esteemed one of the most eminent lawyers of his time, and one of the wisest men the nation then had, a great *virtuoso*, and a fine poet. There are some fragments of his performances still extant, scattered in diverse books, which show him to have been a great man that way."[2] Finally, Tytler, in his 'Life of Sir Thomas Craig,' thus summarises the Chancellor's character: "He was an upright and learned judge, an indefatigable and conscientious statesman, an accomplished scholar, and a patron of men of letters."

In his short notice of Alexander Seton, Dempster states that, besides other performances, he wrote and delivered at Rome "Orationes Solennibus aliquot Festis coram Pontifice et Cardinalibus pronunciatas in sacello Pontificio.". He also refers to a Life of the Chancellor written by "Gulielmus Setonius, J. C., Alexandri consanguineus, et olim familiaris," which the author intended to publish.

Two of Seton's Latin epigrams, prefixed to Bishop Lesley's 'History of Scotland,' are generally regarded as specimens of elegant scholarship. While in the first he

[1] Miscellany of the Spalding Club, ii. 396.

[2] Officers of State, p. 156. The same author alludes to the fact of Archbishop Spottiswood speaking very favourably of Seton, "although he never shows himself very partial to the Chancellor, I know not on what account."—See Spottiswood's History, pp. 486, 495, and 509. Possibly Seton's antagonism to the bishops may explain Crawfurd's difficulty.

touchingly pleads for a return to the "fides" and the "pietas" of former ages, in the second he refers to the circumstance of the patriotic prelate having composed his work when an exile from his native land.

"Ad Nobilitatem
Alexandri Setonii Scoti

Epigramma.

Siccine vos titulis tantum gaudetis avorum,
Nec pudet antiquam deseruisse fidem?
At titulos dedit alma fides, dedit inclita virtus,
Has nostri semper nam coluere Patres.
Cernitis, his modo desertis, ut gloria vestra
Conciderit, gentis concideritque decus.
Ergo est priscorum pietas repetenda parentum
Vt referat nobis sæcula prisca Deus.

Ejusdem ad Auctorem.

Dvm patrias habitare domos, dum regna tenere
Scotica, dum licuit res agitare graves:
Non caput innumeris dubitasti opponere telis,
Aut ferre hostilis pro pietate minas.
Nunc tibi (proh dolor) est horum sublata potestas,
In patriam pietas attamen usque viget.
Præsentis jam sæpe duo defensa periclo
Regna, exul scriptis vis celebrare pius.
Quàm felix tanto dicenda est Scotia patre,
Tam patriâ dignus tu meliore fores."

Dr Joseph Robertson remarks that Buchanan's celebrated Dedication of his translation of the Psalms to Queen Mary, appears to have fascinated more than one Scottish writer of Latin verse, and to have suggested, among others, the following lines inscribed to the same Queen by Seton, at an

early period of his career.[1] They are prefixed to the second part of Bishop Lesley's History, of which the first edition was published at Rome in 1578. After sounding the praises of her illustrious progenitors, he concludes by expressing a hope that Lesley should yet record her own "brave deeds," as he had already celebrated those of previous monarchs.

"Ad Serenissiman Scotorum Reginam

MARIAM

Alexandri Setonii, Scoti, Epigramma.

Clara atavis, genus antiquo de sanguine regum,
Nympha Caledonij gloria rara soli:
Maiorum hic laudes, toto quos insula ab orbe
Diuisit, toto cernis ab orbe legi.
Hoc illis peperere decus, non gloria regni,
Non genus, aut diues gaza, fauorque virûm:
Sed pietatis honos, fidei constantia, morum
Integritas, belli gloria, pacis amor.
Queis tua maiores superet cum viuida virtus;
Quæ tandem meritis laus erit æqua tuis?
Vnum hoc Leslæo superest, tua fortia facta
Scribere, consilijs multa peracta suis.
Et mihi sunt verbis saltem tua facta canenda,
A proauis ne sim degener ipse meis."

In his later years, Seton addressed the following epigram to Sir John Skene,[2] on the publication of his celebrated treatise known as "Regiam Majestatem," which was recommended to his "maist sacred souerane" in a curious

[1] Preface to the Inventories of Mary Queen of Scots, p. cvi, note 1.

[2] Sir John Skene was appointed Lord Clerk Register in 1594, and two months later, an Ordinary Lord of Session, under the title of Lord Curriehill. He was also one of the Octavians, along with President Seton. His son James became head of the Court in 1626, on the resignation of the Earl of Haddington.

letter bearing the Chancellor's signature, and dated 15th March 1607:[1]—

"In antiqvissimas Scotorum leges, nunc primum a claris^mo. V. integerrimoqve Senatore et archivorvm regiorvm custode, Joanne Skenaeo in lucem editas.

EPIGRAMMA.

Cùm recti sincerus amor regnaret et æqui,
Fortibus hæc Reges jura tulêre viris;
Sive ea prisca sibi nullis auctoribus ætas
Nec dum corruptis moribus imposuit.
In tabulas Reges quæ curavêre referri,
Acta nepos patrum, nosset vt, et coleret.
His decus, his pietas, stetit his invicta parentum
Libertas, parta his gloria, parta quies.
Talia Trojugenis trabeatus scita Quirinus,
Cecropijsve Solon, vel Draco jussa dabant.
Fabula fucato verborum ornetur amictu,
Integritas legum simplicitate viget.

A. S. F. C."

The long Latin epitaph at Seton Church, in commemoration of his parents, was the production of the Chancellor's scholarly pen.[2] It extends to no fewer than fifty-two lines, on an entire slab of black marble, 5 ft. 6 in. × 4 ft. 8 in., and will be found in the first volume of Grose's 'Antiquities of Scotland.' Besides setting forth the virtues of his father and mother, he refers, in separate paragraphs, to each of their children, the notice of himself being in the following words: "Alexander multis annis Senator, et ab intimis consiliis tum princeps Senatus ab ipso ordine electus, demum

[1] Denmiln MS., Adv. Lib. A. 239.
[2] Mackenzie's Lives of Scottish Writers, iii. 217.

a Rege prudentissimo qui primus Scotiam Angliamque in unum contulit dominatum, utriusque regni sonuliorum Particeps, Fermelinoduni Comes et Regni Scotiæ factus est Cancellarius." The initials "A. S. F. C. F. F." appear at the bottom of the inscription, and probably indicate: "Alexander Setonius, Fermelinoduni Comes, fieri fecit."

Seton probably composed the inscription on the elaborate monument at Dunfermline to William Schaw, the accomplished Master of Works to James VI., who died on the 18th of April 1602. The epitaph duly narrates the architect's moral and professional gifts, and begins as follows:—

M . S .
Integerrimo . Amico .
GULIELMO . SCHAW .
Vive . inter . superos . æternumque . optime . vive .
Hæc . tibi . vita . labor . mors . fuit . alta . quies .
Alexander . Setonius . D. F.[1]
D . O . M .

More than one distinguished writer has commented on the high place which the Setons long held in the cultivation of the arts and civilised habits of society. In his interesting 'Memoir of Lady Anna Mackenzie,' Lord Lindsay alludes to that honourable distinction, when speaking of the beneficial influence of the Chancellor's character upon his numerous relatives and connections.

"The family of the Seytons," he says, "had been peculiarly noted, even in purely feudal times, for the more graceful and

[1] Dicari fecit.

liberalising tendencies of their age, and their impress, through Lord Dunfermline, was, if I mistake not, strongly marked on the whole family group of Lindsays, Mackenzies, Maitlands, Drummonds, and others. Among these, David Lord Balcarres, Dunfermline's son-in-law (Lady Anna Mackenzie's 'good-father' or father-in-law), was remarkable for his literary and scientific tastes, and his well-stored and curious library. John Earl of Lauderdale, Lord Balcarres' most intimate friend, was in many respects of similar character; and his successor, the Duke of Lauderdale, was one of the principal book-collectors of his time. The instinct for such pursuits, the inherent love of knowledge and graceful accomplishment, may have descended both to Balcarres and Lauderdale from their fathers, Secretary Lindsay and Chancellor Maitland; but in either case, through the early loss of the parents, the development and direction of the youthful genius of the sons was due, if I mistake not, to the Seyton father-in-law."[1]

As illustrations of the Chancellor's versatility, I have already referred to his patronage of the turf at Dunfermline, and to his addiction to the bow and arrow, even in his declining years; and living as he frequently did at Pinkie, it implies no great stretch of the imagination to suppose that he occasionally indulged in the "royal and ancient" game of golf, on the adjoining links of Musselburgh.[2] Both Charles I. (Seton's early charge) and his

[1] See also Riddell's Scottish Peerage Law, i. 49, note 2.

[2] Chancellor Seton appears to have taken an active interest in the affairs of the good town of Musselburgh. Among the local records is a recommendation by Queen Anne and the Chancellor, as bailie of the Lordship of Musselburgh, relative to the building and support of the harbour. Mr Paterson, in his 'History of the Regality of Musselburgh,' also refers to a gift which Lord Dunfermline procured from Charles I. for the endowment of a music school; but seeing that he died three years before that monarch ascended the throne, the

elder brother, Prince Henry, were ardent lovers of that healthy pastime;[1] and more than one of Seton's successors in the offices of President or Chancellor are known to have wielded the club. From the note-books of Sir John Foulis of Ravelston,[2] it appears that, in 1672, the Earl of Rothes, then Chancellor, practised the game of golf; and some seventy years later, Duncan Forbes of Culloden, President of the Court of Session, was an enthusiastic player. It is pleasant to be able to add that the ermine of the present day is well represented on the golfing green.

Looking to the circumstances of the times in which he lived, Lord Dunfermline appears to have fulfilled his various public duties in an honest and liberal spirit. The peculiar character and early experiences of the monarch with whom he had so long to deal ought also to be taken into account. When we consider the semi-barbarous condition of Scotland when James VI. assumed the reins of government, and bear in mind the gradual introduction of good order during the first twenty years of the seventeenth century, the King certainly appears to be entitled to a higher estimate than that assigned to him by Henri Quatre, to wit, "the wisest fool in Christendom." At a comparatively early age he showed no little energy in curbing the power of an unprincipled nobility; and before he crossed

endowment was probably accomplished by his son and successor, the second Earl. I have made more than one unsuccessful attempt to obtain information on the subject from the authorities of Musselburgh.

[1] See Mr Robert Clark's charming work on Golf (1875), pp. 11 and 15.

[2] Embraced in Maidment's Nugæ Scoticæ, printed in 1829.

the Border in 1603, he had practically succeeded in crushing the dominant influence of the Douglases and the Ruthvens. His judgment was frequently displayed in his negotiations with foreign powers; and on several occasions he proved himself quite able to hold his own with the wily Queen of England.

The attitude of the King in connection with the position of his unfortunate mother, towards the close of her long period of imprisonment in England, may perhaps suggest unfavourable criticism. Among other references to the royal captive in the Minutes of the Scottish Privy Council, we find (1st February 1586-7) the notice of a form of prayer enjoined on the clergy and others for his Majesty's mother "in her present peril." The King himself attended the relative meeting of the Council, and also the two new Councillors, Mr Peter Young, and Sir John Seton of Barns, "great Master Household" and brother of Lord Urquhart. The excitement in Edinburgh appears to have been very great. "The King desperate of his mother's life; the country ready to take arms for revenge; offers of the Hamiltons to raise 5000 men of their own to burn Newcastle and commence war with England"—such is the abstract of a letter from Scotland to Lord Burghley.[1] Queen Mary was beheaded in the hall of Fotheringay Castle, about eleven o'clock A.M. of Wednesday, 8th February, 1586-7, in the forty-seventh year of her age, and the eighteenth after her flight from Scotland; and it would

[1] Register of the Privy Council of Scotland, vol. iv., 1585-92. Edited by Professor Masson (1881), p. 140.

appear that there was no knowledge of the fact on this side of the Tweed for a good many days.[1]

Various writers, including Sir Walter Scott, have turned the "Scottish Solon" into ridicule for failings resulting from the ignorance and superstition which were all but universal at the time in which he lived. He dreaded witchcraft, in common with the most enlightened scholars and divines in every part of Europe;[2] and no man was ever more justified in entertaining a fear of treason, seeing that, during the latter portion of the sixteenth century, more daring acts of rebellion were committed in Scotland than any other country has ever exhibited in the same space of time. On more than one occasion, the King displayed a considerable amount of personal courage, and

[1] Register of the Privy Council of Scotland, vol. iv. p. 143, *note*.

[2] In a recent publication, entitled 'Sketches of Tranent in the Olden Time,' we are informed that 57,000 persons were executed for witchcraft, in England and Scotland, during the seventeenth century; and that a certain David Setoun, who acted as deputy-bailiff in Tranent to the Chancellor's brother, Lord Seton, was the man who "struck the spark that caused this appalling explosion of national insanity." He is held up to public execration for having endeavoured, in 1591, to wring a confession of witchcraft out of his "young and comely" maid-servant, Geillis Duncane, by the use of the *pilliwinkis*, or thumbscrews. Geillis and her accomplices appear, from the reported trials, to have been the means of throwing some light upon the cause of the storm which James VI. and his Danish bride encountered on their passage from Copenhagen to Leith in the end of April 1590; and when Geillis was summoned to Holyrood by the King—elegantly described by the author of the Sketches as a "superstitious and ruthless tyrant"—she was required to play, on a Jew's-harp, the reel she had performed to the Devil and the witches in the Kirk of North Berwick, at the meeting which was convened to devise a plan for the destruction of the royal craft.—See Pitcairn's Criminal Trials, i. 214, 230, etc.

Seton-thorn, "be-north the irne yet of Seton," appears to have been a trysting-place for witches as well as lovers.—Ibid., ii. 543.

notably in connection with the cowardly assault of the Ruthvens in Gowrie House. At the crisis of the struggle, he is said to have placed his foot on the chain of his favourite hawk, which had dropped from his arm, to prevent its escape by the open window. If his scholarship approached to pedantry, he certainly seems to have succeeded in turning the attention of his subjects to learning; and doubtless he owed much to the beneficial influence of George Buchanan. Hume considers that any one who reads his 'Basilicon Doron,' his answer to Cardinal Parron, or his speeches and messages to Parliament, will admit that he possessed "no mean genius;" while Weldon thus concludes his panegyric of King James: "He lived in peace, dyed in peace, and left all his Kingdomes in a peaceable condition, with his oune motto, 'Beati pacifici.'"[1] While,

[1] Professor Masson suggests that any one who questions the substantial accuracy of Scott's character of the King, in the 'Fortunes of Nigel,' may have his doubts removed to a considerable extent by the perusal of a document relative to his contemplated marriage, penned by his Majesty at the age of twenty-four. "I wes allane," he says, "without fader or moder, bruthir or suster, kinge of this realme, and air appeirand of England. This my naikatnes maid me to be waik and my inemyis stark; ane man wes as na man, and the want of hoip of successioun bread disdayne; yea my lang delay bred in the breistis of mony a grite jealosie of my inhabilitie, as gif I wer a barrane stok. . . . I am knawne, God be prased, not to be very intemperately rashe nor concety in my wechtiest effearis; nather use I to be sa caryed away with passioun as I refuse to hear ressoun."—Register of the Privy Council of Scotland, vol. iv., 1585-92; Introduction, p. xlvii—1881. Thirteen years after these words were written (1603), Sir Francis Bacon thus reports his impression of the King's character and conduct to the Earl of Northumberland: "Your Lordship will find a prince the farthest from the appearance of vainglory that may be, and rather like a prince of the ancient form than of the latter time. His speech is swift and cursory, and in the full dialect of his country; and in point of business, short; in point of discourse, large. . . . He hasteneth to a

however, we are disposed to give more credit to the King for common-sense and successful administration than is usually conceded, we must not fail to remember that he was generally able to command the aid and advice of judicious counsellors; and of these probably the most trusty and sagacious was Alexander Seton. For the long period of thirty years, he exercised a very important and beneficial influence in the councils of the kingdom; and the opinions of his contemporaries, as well as the eulogies of his survivors, to both of which pretty full reference has been made, bear ample testimony to his wisdom and prudence. Most of the letters which I have been able to trace belong to his later years, and materials calculated to throw light on his *judicial* career are unfortunately somewhat scanty. The pithy quaintness of his correspondence cannot fail to strike the most casual reader; although it is to be feared that, among the rising generation of Scotchmen, there are not a few who would be quite incapable of comprehending many of the Chancellor's expressions, and to whom the pages of our great national poet are rapidly becoming a dead letter. How Cecil and Seton's other English correspondents contrived to understand his epistles is a somewhat perplexing

mixture of both kingdoms and nations, faster perhaps than policy will conveniently bear."—Spedding's Letters and Life of Francis Bacon, iii. 77. Mr Spedding himself remarks, that "for experimental philosophy James had not as yet (c. 1603) shown any taste; . . . but a general survey and criticism of the existing stock of knowledge was a work which few men then living were better qualified to appreciate. . . . Here was a king, still in the prime of life, devoted to peace, and sympathising largely with the interests of mankind, eminent even among learned men, in a learned age, for proficiency in all kinds of learning."—Ibid., 88.

consideration; unless, indeed, their familiarity with Chaucer, and other early English authors, gave them an advantage which few of their descendants appear to inherit. Imagine an average Englishman of the present day endeavouring to extract a meaning from such passages as the following:—

"I entreate y^{r} lo. to speake to his Ma^{tie} before his departour for the despeche off my besiness in sik maner as y^{r} Lp. sall think meitest, for i lippen that haillie to y^{r} Lp. mair nor to onye other middis or mediation, and will think me self debtour to y^{r} Lp. for the same."

"He hes had speciall cair to repres, baithe in the incountrie and on the Bordours, the insolence of all the proud bangisters, oppressours, and nembroithis, but regaird or respect to ony of thame, has purged the Bordours of all the cheiffest malefactouris, rubbars, and brigantis, as war wount to regnne and triumphe thair."

"For that ane bordered poolke for caireing the greate seale can nocht be gottin maed heir, or ellis I sould nocht trubill yiow nor nane for ane. Sence my Lord Dumbar departit this lyff, this three yeir I haue had nane, and sic as I haue are worne aulde and nocht sa cuimelie as neid war."

"Ane kittill, mutinous, and onsatled man, full of consaittis, readie to rase and steir maa broylis his alane nor tuentie guid and wyse men will gett weill quenched."

"I find me now far remoued from the springs or sprentis that mouis all the resortis off our gouerment, and thairfore layis for suirest ground to moue. I hald or latt goe as our first motors settis us to, otherwayis in bulk or banis I find yit leitill decay in me."

When the Chancellor assures his most sacred Majesty that his youthful ward, Prince Charles, "is jugit be all werye lyke in lineamentis to your royall person," or that "all wisdome, all doctrine, all courtessie, all godlines, policie, and ciuilitie schynes in the (King's) booke laitlie come to licht," he merely writes like the ordinary courtier of the seventeenth century.[1] The same may be said of his fervid protestations of devotion to his Majesty's "honour, will, and weill," and of his "greiff in hairt and minde" when suspected of being concerned in a political intrigue. Sometimes, perhaps, he approaches the borders of extravagance, more especially when he indulges in classical illustrations, as in his letter to the King (12th August 1609) regarding Lord Dunbar's pacification of the southern portion of the kingdom.[2] On the other hand, however, it must be acknowledged that his correspondence abounds with instances of homeliness and goodness of heart, which more than counterbalance the occasional blemishes. What, for example, could be more quaint and touching than his allusion to his advancing years, in the letter which he addressed to Sir Robert Kerr, towards the close of his career; or the simple words with which he concludes his expression of gratitude to the "gentleman of the bedchamber," for assistance in the "fashious besines of Eglintoun"? "Freindis and kinsmen as wee are man daylie be doand to otheris all guid offices

[1] See the Academy of Compliments, published in 1646.

[2] "This letter," says Mr Maidment, "is inimitable, and must have suited the fancy of the King exactly. The gross flattery and superabundance of classical allusion would be equally palatable. No wonder that Lord Dunfermline was a favourite."

thay can, eurie ane in his vocatioun, place, and calling: reckin ye may spend me as onye yie haue maist powar off."

In the well-known group by Sir Antonio More, already referred to, embracing George, seventh Lord Seton, and his five surviving children, the figure on the extreme right represents the embryo Chancellor, at the age of fourteen. The supposed original, on panel, is in the possession of the representatives of the last Lord Somerville; while there are excellent copies, on canvas, at Yester, Dunse Castle, and Dunrobin—of which the first is attributed to Sir John Medina. In the Yester copy, the initials and ages of the different figures are distinctly indicated, and the following inscription, in old French, is introduced between the heads of Lord Seton and his daughter: "Ma fille, craing Diev et ton honnevr, care honnevr des dames est tendre et delicat." The words "Initium sapientiæ timor Domini" are inscribed on the right-hand page of the open book in the hand of the Chancellor's younger brother, William; while the initials of his father (G. S.) appear in one of the lower corners.

There is also, at Yester, a very interesting half-length portrait (3 ft. 9 in. × 2 ft. 11 in.) of Chancellor Seton, by F. Zuccaro, which was formerly at Pinkie. The following inscription appears in the upper left corner: "Ætatis suæ 53, 1610." In point of fact, however, Lord Dunfermline was about 55 years of age at that date. The portrait indicates a *tall* man of fair complexion, with a pleasant expression; hair turning grey; small beard, moustaches, and whiskers; eyes, bluish-grey; long head, especially the upper portion. He wears a richly embroidered black velvet

dress, under a robe of the same colour, faced with brown fur; white frill and lace cuffs; pair of gloves in right hand, with square (ruby?) ring on the little finger, while the left hand rests on the hilt of a dress sword, with a small key attached by a chain to the wrist.[1]

An original portrait of Chancellor Seton is believed to have been formerly at Kellie Castle, respecting which, however, I have failed to obtain any satisfactory information. Other portraits are stated to have been at Dunse Castle and Dunrobin; but it would appear that the only likenesses of the Chancellor, at these two places, are the copies of the juvenile portrait by Sir Antonio More, previously mentioned.

The character and qualifications of the subject of my Memoir may be briefly summarised. An able lawyer, an impartial judge, a sagacious statesman, a consistent patriot, an accomplished scholar, a discerning patron of literature, a

[1] Among various other Seton portraits in the Yester collection are the following: 1. Dame Isobel Hamilton, Lady Seton, 1589, mother of the Chancellor. 2. Hon. Margaret Hay, his third wife, a curious picture, also by F. Zuccaro. 3. Lady Jean Seton, "anno 1618, ætatis 12," daughter of the Chancellor, and first wife of the first Earl of Tweeddale—a very sweet face, fully corroborating the description given of her, three years afterwards, by her successful suitor (see p. 151 *supra*). 4. Charles, second Earl of Dunfermline, full length, by Vandyke, representing a man upwards of six feet in height. A medal, bearing the profile and bust of the second Earl, is engraved in Plate XX. of the Medals, Coins, etc., of Thomas Simon (chief engraver of the mint to Charles I., etc.), by George Vertue, second edition, 1780. On the reverse is the legend: "Car: Setonivs. Fernelinodvni. Com: 1646." The face bears a striking resemblance to Vandyke's portrait.

I have to acknowledge my obligation to the Marquess of Tweeddale for permission to engrave Zuccaro's portrait of Chancellor Seton, and also the Yester copy of Sir Antonio More's family group.

munificent builder, a skilful herald, and an ardent lover of archery and other manly sports, Lord Dunfermline may certainly be regarded as having been versatile and many-sided, in no ordinary degree. His title to fame, however, mainly rests upon his judicial and political reputation; and few Scottish worthies have so strikingly displayed the praiseworthy characteristics of prudence, moderation, and integrity. Up to the beginning of the seventeenth century, he was unquestionably the greatest lawyer that had been privileged to preside in the Court of Session; and in the successful discharge of the duties of the higher office of Chancellor, or "keeper of the royal conscience," which he filled for the long period of eighteen years, he was probably not surpassed by any of the other distinguished men who held the same important position. In these days of Memorials to celebrities of bygone days, the name of Lord Dunfermline seems to be well entitled to perpetuation; and looking to the many dignified offices which he so worthily filled, as well as to his intimate connection with the metropolis of Scotland, in the capacity of chief magistrate, the erection of a memorial window, in the venerable Cathedral of St Giles, would perhaps be generally regarded as an appropriate monument to Alexander Seton.

ADDENDUM

To passage at page 61, relative to the custody of Prince Charles.

My accomplished friend Mr James Gordon, formerly Sheriff at Banff, has been good enough to call my attention to an interesting allusion to President Seton and his royal charge, in the 'Memoirs of Robert Carey, Earl of Monmouth,' published from the original MS., by the Earl of Corke and Orrery in 1759, of which a subsequent edition appeared in 1808, under the editorship of Sir Walter Scott.

"When I was at Norham," Carey writes, "God put it into my mind to go to Dunfermline, to see the King's second son. I found him a very weak child. I stayed a day or two with my Lord Dunfermline (then Lord Fyvie), whom I had long known, and was my noble friend, and so returned to court again.

"The summer after (1604), my Lord Dunfermline and his lady[1] were to bring up the young Duke. The King was at Theobalds, when he heard that they were past Northumberland;

[1] Grizel Leslie, Seton's second wife. She is not specially mentioned as having accompanied her husband and the young Prince to Leicester (p. 58 *supra*); but it would appear, from Carey's statement, that she must have found her way to London in the course of the summer.

from thence the King sent me to meet them, and gave me commission to see them furnished with all things necessary, and to stay with them till they had brought the Duke to court. I did so, and found the Duke at Bishops Awkeland. I attended his Grace all his journey up; and at Sir George Farmor's (Eaton), in Northamptonshire, we found the King and Queen, who were very glad to see their young son.

"There were many great ladies suitors for the keeping of the Duke; but when they did see how weak a child he was, and not likely to live, their hearts were down, and none of them was desirous to take charge of him.

"After my Lord Chancellor of Scotland and his lady had stayed here from Midsummer till towards Michaelmas, they were to return to Scotland, and to leave the Duke behind them. The Queen (by approbation of the Scotch Lord Chancellor) made choice of my wife,[1] to have the care and keeping of the Duke. Those who wished me no good, were glad of it, thinking that if the Duke should die in our charge (his weakness being such as gave them great cause to suspect it), then it would not be thought fit that we should remain in court after. My gracious God left me not, but out of weakness he showed his strength, and, beyond all men's expectations, so blessed the Duke with health and strength, under my wife's charge, as he grew better and better every day. The King and Queen rejoiced much to see him prosper as he did. . . . My wife had the charge of him from a little past four,[2] till he was almost eleven years old (1611); in all which time, he daily grew more and more in health and strength, both of body and mind, to the amazement of many that knew his weakness, when she first took charge of him."—See p. 56, note, *supra*.

[1] Elizabeth, daughter of Sir Hugh Trevanion.

[2] This must have been subsequently to 19th November 1604, when the Prince completed his fourth year.

APPENDIX I.

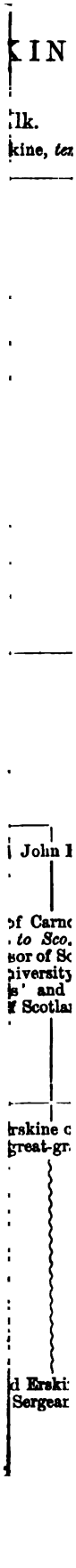
THE LORD PRESIDENTS OF THE COURT OF SESSION.

No.	Date.	Name and Designation.	Fate.
1	1532	Alexander Myln, Abbot of Cambuskenneth	Died.
2	1549	Robert Reid, Abbot of Kinloss and Bishop of Orkney	Died.
3	1558	Henry Sinclair, Abbot of Kilwinning and Bishop of Ross	Died.
4	1565	John Sinclair, Dean of Restalrig and Bishop of Brechin (brother of No. 3),	Died.
5	1566	William Baillie of Provand (first *lay* President)	Superseded.
6	1567	Sir James Balfour of Pittendriech	Suspended.
—	1568	William Baillie of Provand (for the *second* time)	Died.
7	1593	Alexander Seton, 1st Earl of Dunfermline and Chancellor of Scotland	Promoted.
8	1605	James Elphinstone, 1st Lord Balmerino	Suspended.
9	1609	John Preston of Fentonbarns	Died.
10	1616	Thomas Hamilton, 1st Earl of Haddington,	Resigned.
11	1626	Sir James Skene of Curriehill	Died.
12	1633	Sir Robert Spotswoode of New Abbey	Beheaded.[1]
		[1646-61. *Interruption* of 15 years.]	
13	1661	Sir John Gilmour of Craigmillar	Died.
14	1671	James Dalrymple, 1st Viscount Stair	Suspended.
15	1681	George Gordon, 1st Earl of Aberdeen and Chancellor of Scotland	Promoted.
16	1682	Sir David Falconer of Newton	Died.
17	1686	Sir George Lockhart of Carnwath	Assassinated.
—	1689	James Dalrymple, 1st Viscount Stair (for the *second* time)	Died.
		[1695-8. Office of Lord President *vacant.*]	
18	1698	Sir Hew Dalrymple of North Berwick, Baronet (3d son of No. 14)	Died.
19	1737	Duncan Forbes of Culloden	Died.
20	1748	Robert Dundas of Arniston	Died.
21	1754	Robert Craigie of Glendoick	Died.
22	1760	Robert Dundas of Arniston (son of No. 20)	Died.
23	1788	Sir Thomas Miller of Barskimming and Glenlee, Baronet	Died.
24	1789	Sir Ilay Campbell of Succoth, Baronet	Resigned.
25	1808	Robert Blair of Avonton	Died.
26	1811	Charles Hope of Granton	Resigned.
27	1841	David Boyle of Shewalton	Resigned.
28	1852	Duncan M'Neill, 1st Lord Colonsay	Promoted.
29	1867	John Inglis of Glencorse	

[1] Although not beheaded till 1646, Sir Robert Spotswoode ceased to act in 1641. Sir Alexander Gibson of Durie was elected President for the summer session on 1st June 1642, and again for the winter session of 1643.

APPENDIX II.

1. FAMILY OF ERSKINE.
2. " HOPE.
3. " DALRYMPLE.
4. " DUNDAS.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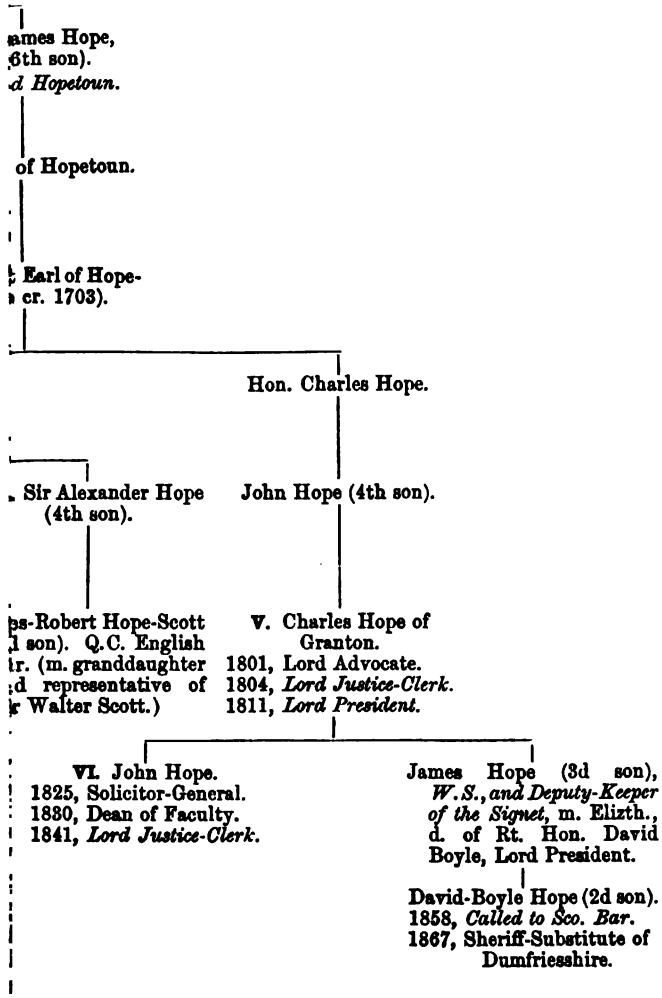
ames Hope,
6th son).
d Hopetoun.
of Hopetoun.
Earl of Hope-
cr. 1703).
Hon. Charles Hope.
Sir Alexander Hope
(4th son).
John Hope (4th son).
ps-Robert Hope-Scott
1 son). Q.C. English
ir. (m. granddaughter
d representative of
r Walter Scott.)
V. Charles Hope of
Granton.
1801, Lord Advocate.
1804, Lord Justice-Clerk.
1811, Lord President.
VI. John Hope.
1825, Solicitor-General.
1830, Dean of Faculty.
1841, Lord Justice-Clerk.
James Hope (3d son),
W.S., and Deputy-Keeper
of the Signet, m. Elizth.,
d. of Rt. Hon. David
Boyle, Lord President.
David-Boyle Hope (2d son).
1858, Called to Sco. Bar.
1867, Sheriff-Substitute of
Dumfriesshire.

3.—FAMILY OF)

I. JAMES DALRYMP

(8th in descent from William de Dalrymple, who, in 1450, acquired, with his
1657 and 1661, *Lord Stair.*
1671-81, and again 1689-95, *Lord Presi*

II. John, 2d Viscount, and (1703) 1st Earl of Stair. 1688, *Lord Justice-Clerk* (afterwards Lord Advocate and Secretary of State).

James Dalrymple *One of the Principal* 1698, cr. Baronet; of Sir James Dund

John, 2d Earl of Stair, the distinguished soldier. ob. s. p.

William Dalrymple of Glenmure, m. Penelope, Countess of Dumfries.

George Dalrymple of Dalmahoy, *One of the Barons of Exchequer.*

Sir John Dal 2d Baron *One of the Pr Clerks of Se*

William, Earl of Dumfries (through his mother), and 4th Earl of Stair. ob. s. p. 1768.

James, 3d Earl of Stair. ob. s. p. 1760.

John, 5th Earl of Stair. (Succeeded his cousin.)

William Dalrymple, General in the army.

Sir William Da 3d Baron

John, 6th Earl of Stair. ob. s. p. 1821.

John-William-Henry, 7th Earl of Stair. ob. s. p. 1840.

Sir John Dal 4th Baron *One of the B of Exchequ*

John-Hamilton, 8th Earl of Stair. (Succeeded his kinsman the 7th Earl.) cr. Baron Oxenfoord, 1841. ob. s. p. 1853.

North-Hamilt 9th Earl of St

John, 10th Earl of S

ALRYMPLE.

of Stair.

fe, Agnes Kennedy, the lands of Stair-Montgomery, in Ayrshire.)
564, cr. Baronet.
1690, cr. Viscount Stair.

Borthwick,
ks of Session.
Catherine, d.
of Arniston.

III. Sir Hew Dalrymple of North Berwick.
1695, Dean of Faculty. 1698, cr. Baronet.
1698, *Lord President.*

Sir David Dalrymple of Hailes (5th son),
Solicitor-General to Queen Anne.
1700, cr. Baronet.

mple,
cipal
ion.

Sir Robert Dalrymple
(*ob. vitâ patris*).

IV. Hew Dalrymple.
1726, *Lord Drummore.*

Sir James Dalrymple,
2d Baronet,
Auditor of Exchequer.

mple,

Sir Hew Dalrymple,
2d Baronet,
whose great-grand-
son is

Robert Dalrymple,
m. Mary, d. of Sir
James Elphinstone,
Baronet.

VI. David Dalrymple.
1777, *Lord Westhall.*

V. Sir David Dalrymple,
3d Baronet.
1766, *Lord Hailes.*

ple,
ns

Sir Robert Dalrymple-Horn-Elphinstone.
1827, cr. Baronet.

Jean Dalrymple,
m. Sir James Fergusson,
Baronet.

Sir James Dalrymple-Horn-Elphinstone,
2d Baronet.

Sir Charles-Dalrymple
Fergusson, Baronet, m.
Helen, d. of Rt. Hon.
David Boyle,
Lord President.

Sir Hew-Hamilton Dalrymple,
6th Baronet.

Sir James Fergusson, Baronet,
Governor of Bombay.

Charles, assumed surname
of Dalrymple, on succeeding
to estate of Hailes.
M.P. for Bute.

INDEX.

ABBOTSFORD Club Publications, 52.
Abercorn, Duke of, 18.
Abercorn, 1st Earl of (nephew of Chancellor Seton), 81, 108.
Abercorn, 2d Earl of (grand-nephew of Chancellor Seton), 98, 133, 143, 144.
Abercorn—*see* Seton of Abercorn.
Aberdeen Convention, 70, 73, 76—burgh accounts, 175.
Abernethie of Dalgety, William, 145.
Abulyementis and armour of Chancellor Seton, 160.
'Academy of Compliments,' 195.
Achiesoun, Captain, 81.
Acts not words, 69.
Advocates, first admission of, 8.
Aikenhead, David (Provost of Edinburgh), 86, 88.
Albany, Duke of, 4.
Albany, Duke of (Charles I.), 164.
Alexander III., Pope, 146.
Almond, Lady—*see* Hay, Dame Margaret.
"Amazons" of Burntisland, 111.
Ancram and Lothian,' 'Correspondence of the Earls of, 129, 152.
Angus, Earl of, 47, 144.
Annand, Viscount—*see* Murray, John.
Annandale, Earl of—*see* Murray, John.
Anne of Denmark (Queen of James VI.), 27, 29, 86, 56, 102, 119, 135, 188, 191.
Anstruther Wester, supply of beef by Bailies of, 124.
'Antiquary,' quotation from the, 12.
Archery, Chancellor Seton's practice of, 130, 188.
Architecture, his skill in, 169.
Argyle, Earl of, 26, 80, 121.
Argyle and Huntly, reconciliation of, 46
Arnot, Sir John (Provost of Edinburgh), 85, 86, 102.
Arran, Earl of—*see* Stewart.
Athanasius, Lord Pitmedden compared to, 16.
Athol, disordered state of, 80.
Auchindrane Tragedy, 89.
Augmentation, Seton coat of, 46.
August 5th, anniversary of Gowrie Conspiracy, 45.
Ayr, the plague at, 71, 72.

BACON, FRANCIS, 62—description of a "perfect palace," 172 — estimate of James VI., 192.
Baillie of Provand, William, (first *lay* President), 14, 15, 25.
Balfour, Sir James (Lord Lyon), 149.
Balfour, Sir James (Lord President), 10, 14.
Balmerino, Lord—*see* Elphinstone, James.
Bannatyne, James, 90.
Barns—*see* Seton of Barns.

Base coin, utterers of, 113.
'Basilicon Doron,' 52, 192.
"Beati Pacifici," 192.
Beaton, David, Cardinal of St Andrews, 17.
Belting (*cinctura gladii*), 46.
Bemersyde—*see* Haig.
Bench, provisions regarding the, 7.
Billings's 'Baronial and Ecclesiastical Antiquities of Scotland,' 169, 170, 172.
Binning, Lord—*see* Hamilton, Thomas.
Bishop Auckland, 200.
Black, David (Minister of St Andrews), 28, 34.
Blackburn, Bishop of Aberdeen, 79.
Blackness Castle, 70.
Bleeding of a murdered body, 91.
Border, peace on the Scottish, 46.
Border clans, 92.
Borders, lawlessness of the Scottish, 92.
Boswell of Balmuto, Sir John, 96, 97.
Boswell of Craigincat, David, 96, 97.
Bothwell, Earl of (Francis Stewart), 115.
Bothwell's forfeiture, 27.
Boyd, Lord, 98.
Boyd, Robert, Lord, 25.
Brigg, Professor Henry, 122.
Bruce, Edward (Lord Bruce of Kinloss), 42.
Bruce, James, the Abyssinian traveller, 36.
Bruce, King Robert, 15.
Bruce, Rev. Robert, 35-7, 44, 128, 133.
Bruce of Airth, Alexander, 36.
Brunton and Haig's 'Senators of the College of Justice,' 23.
Buchan arms quarterly, 126.
Buchan, Earl of, 144.
Buchanan, George, on the Court of Session, 4—influence on James VI., 192.
Buckingham, Duke of, 55.
"Building," Bacon's Essay on, 172.
Burghley, Lord—*see* Cecil, William.
Burke's 'General Armory,' 168.
Burnett of Leys, 77.
Burns, quotation from, 81.
Burntisland, Spanish vessel at, 111—disturbance at, *ib.*
Burton, Dr John Hill, 169—on the Gowrie Conspiracy, 43, 45—on the succession to the English crown, 47.

CALDERWOOD'S 'History of the Kirk of Scotland,' 27 *et seq.*—estimate of Chancellor Seton, 181.
Calendar, Countess of—*see* Hay, Dame Margaret.
Calendar, Earl of—*see* Livingstone.
Campbells, the, and the Clandonald, 112.
Canongate Tolbooth, 30.
Carey, Sir Robert (afterwards Earl of Monmouth), his ride to Holyrood, 47—his 'Memoirs,' 199.
Cariston—*see* Seton of Cariston.
Carles and carlines, 13.
Carnegie of Colluthie, Sir David, 27.
Cashel, bishopric of, 129.
Cassilis, Earl of, 89, 90.
Castille and Portugal, union between, 64.
Cecil, Sir Robert (Earl of Salisbury), 46, 73, 100—his correspondence with Lord Fyvie, 52, 57, 67—death of, 135.
Cecil, William (Lord Burghley), 46, 190.
Celt, Chancellor Seton's estimate of the, 91.
Chalmers's 'History of Dunfermline,' 126, 174.
Chambers's 'Popular Rhymes of Scotland,' 147.
Chancellor, the Lord, 9.
Chancellor of Scotland, the last, 9—precedency of the, 149.
Charlemagne, 129.
Charles I., 129, 162-4, 188—coronation of, 149.
Charles II., 162, 163.
Charles, Prince (Duke of York and Albany, and Charles I.), 152, 164, 195, 199, 200—birth at Dunfermline, 45, 50—custody of, 51, 61—health of,

55, 56, 69—visit to Leicester, 58-60—baptism, 87.
Charron, M. Pierre, 158.
Charteris, Colonel, 168.
Chatellarault, Duik of, 17.
Chesters, Lord—*see* Henryson.
Cheyne, Alexander, his trial for assault, 67.
Christmas kept in Edinburgh, 80.
Cinctura gladii (Belting), 46.
Clandonald of Isla, 112, 113.
Clark's 'Game of Golf,' 189.
Classical allusions in Seton's letters, 92, 128, 195.
Cockburn, Henry (Lord Cockburn), 85.
College of Justice, due maintenance of, 56, 62—*see* Court of Session.
Collieries, Scottish, Royal letter anent the, 114.
Combat, trial by, 118.
"Comely wenche," a, 151-4.
Commissioner, Seton appointed King's, 104.
Commissioners of the Kirk, 28.
Communion cup at Fyvie, with Chancellor Seton's arms, 175.
Communion, English mode of celebrating the, 121.
"Conscience Brig," Dunfermline, 98.
Corke and Orrery, Earl of, 199.
Couper, Bishop of Galloway, 116.
Court of Session established, 2—constitution of the, 3—Buchanan's estimate of the, 4—hours of sitting and advising of causes, 8—spiritual and temporal distinction abolished, 12—Extraordinary and Ordinary Lords, 12—its restoration in 1661, 10—despatch of business in, 62—due maintenance of, 56, 62—winter vacation, 85—the proper tribunal for peerage questions, 111—visited by James VI., 125.
Covenanters supported by the 2d Earl of Dunfermline, 163.
Craig of Writchisland, Sir Thomas, 62.
Crane, Sir John, 58, 59.
Crawford, Earl of, 152.
Crawford and Balcarres, Earl of, 25, 79—*see* Lindsay, Lord.
Crawfurd's 'Peerage of Scotland,' 24—'Officers of State,' 51, 64, 141, 149, 183—estimate of Chancellor Seton, 182.
Crown and Kirk, hostility between, 30.
Crucifix scandal at Dunfermline, 103.
Culzean, Laird of—*see* Kennedy.
Cupar "raise in Fyff," 99.
Currie, James, Ormond Pursuivant, 142.

DALGETY, estate of, 145.
Dalgety, old church of, 145, 146, 161, 165—Chancellor Seton buried at, 141-4—Dunfermline vault in, 146.
Dalrymple, Sir David—*see* Hailes, Lord.
Dalrymple, Sir Hew (Lord President), 11.
Dalrymple, William, murder of, 90.
Dalrymple family, App. ii. 3.
Deer Hill (*Fia Chein*), 170.
Dempster's 'De Scriptoribus Scotis, 16—estimate of Chancellor Seton, 182, 183.
"Denbigh Collection," 167.
Denmiln MS., Adv. Lib., 186.
Donaldson, Rev. Andrew, minister of Dalgety, 163.
Donibristle, 145.
Don-Wauchope, Sir John, 143.
"Doornick" hangings, 160.
Douglas, James, Lord of Carlyle, etc., 69.
Douglas, Lady Mary (wife of 2d Earl of Dunfermline), 165.
Douglas, William, 7th Earl of Morton, 165.
Douglas's 'Baronage of Scotland,' 97—'Peerage of Scotland,' first edition, 50—Wood's edition, 24, 152.
Douglases, dominance of the, 190.
Doune, Lord (James Stewart), 21.
Dragon, fiery (Seton crest), 135.
'Dreme,' quotation from the, 6.

Drumlanrig, Laird of, 109.
Drummond arms at Fyvie, 174.
Drummond, James, 4th Lord, created Earl of Perth, 66.
Drummond, Mr John, 142.
Drummond, Patrick, 3d Lord, 107, 150.
Drummond, Hon. Lilias (first wife of Chancellor Seton), 150-2, 154, 160.
Drummond, William, 94.
Drysdale, Thomas, Ilay Herald, 143.
Duddingston, Janet (Lady Lathallan), 127.
Dumbarton, 38, 80.
Dunbar, Captain A. H., 127.
Dunbar-Dunbar, of Seapark, Captain, 127.
Dunbar, Earl of, 73, 74, 80, 82, 92, 99, 100, 101, 106, 107—pacification of the Borders, 195.
Dunbar, Gavin, Archbishop of Glasgow, 4.
Dunbar, George (Chancellor Seton's servant), 143.
Dunbar, Sir George, 94.
Duncane, Geillis, 191.
Dundas family, App. ii. 4.
Dundee, the "pest" in, 72.
Dundee, Viscount—*see* Grahame.
Dunfermline, Bailie and Constable of, 102—Chancellor Seton's arms at, 174—House, Elgin, 125, 126—race-bell, 96—William Schaw's monument at, 187.
Dunglass House, 125.
Dunkeld, Lord, 166—*see* Galloway.
Dunkirk vessel in Leith Roads, 136.
Dutch enterprise against Antwerp, 67.

EDINBURGH, sanitary state of, 66—street broils in, 69—Seton elected provost of, 84—excerpts from city accounts, 86-89—robes of the Town Council, 96—repair of Castle, 115—burgesses of, and the refractory ministers, 127.
Edward I., 170.
Edward VI., his proposed marriage to Mary Stuart, 64.
Edzell and Pittarro, affray between the Lairds of, 69.
Egerton, Sir Thomas—*see* Ellesmere.
Egerton, Lord Francis (Earl of Ellesmere), 72.
Eglinton, 6th Earl of—*see* Seton of Foulstruther, Sir Alexander.
Eglinton, last of the Montgomerie Earls of, 109.
Eglinton and Glencairn, feud between the Earls of, 77, 80.
Elgin, Chancellor Seton's house at, 125, 126—provost of, 126.
Elgin, Earl of, 42.
Elizabeth, Queen, 41, 46, 179, 190—chancellor of, 106—death of, 47, 48.
Elizabeth, Princess, birth of, 50, 132—marriage of, 105.
Ellesmere, Lord Chancellor, Seton's letter to, 71.
Elphinstone, James, Lord Balmerino (Lord President), 26, 27, 30, 32, 38, 57, 64.
Epigrams by Seton, to James VI., 91—to Bishop Lesley, 184—to Queen Mary, 185—to Sir John Skene, 186.
Errol and Huntly reconciled, 124.
Erskine, Sir Thomas (Earl of Kellie), 107.
Erskine family, App. ii. 1.
Erskine—*see* Fentoun, and Mar.
Essex, Earl of, 116.
Estates, convention of, 28, 41, 42, 120.
Exchequer, precedency of Chief Baron of, 11.
Excommunicated Earls, 28, 29.
Extraordinary Lords of Session, 9, 12.

"FACTA non verba," 69.
Fairs and markets at Fyvie, 173.
Farmor, Sir George, 200.
Fast, proposed national, 66.
Fentoun, Viscount (afterwards Earl of Kellie), 107, 114.
Fents (openings), 143.
Fia Chein (Deer Hill), 170.
"Fifteen," the, 12.
Five Articles of Perth, 132, 133.
Flanders fruit-dishes, 60.

"Forbears," services of Chancellor Seton's, 81.
Forbes, Mr John, 70, 73-77.
Forbes of Culloden, Duncan (Lord President), 12, 189.
Forbes of Tolquhone, 143.
Forrester, Mr Andrew (minister at Dunfermline), 103.
Forrester, Mr Alexander (minister of Tranent), 103.
'Fortunes of Nigel,' 192.
Foss's 'Judges of England,' 95.
Fotheringay, Queen Mary's execution at, 190.
Foulis of Ravelston, Sir John, 189.
Foullis, Thomas, loan to, 159.
Fountainhall, Lord, quoted, 16.
Fountainhall's (Lord) MSS., 84.
France and Scotland, alliance between, 62.
Francisque-Michel quoted or referred to, 16, 18.
Fraser's 'Memorials of the Earls of Eglinton,' 109.
Frederick V., Duke of Bavaria (Elector Palatine), 132.
Fyvie a burgh of barony, 173.
Fyvie Castle, 25, 170-172—charter-room, 162—heraldry of, 174, 175.
Fyvie, Lord (Alexander Seton), 24—his correspondence with Sir R. Cecil, 52—*see* Seton, Alexander.
Fyvie, Lord (son of the Chancellor), 70—(son of 2d Earl of Dunfermline), 165.

GALLOWAY, Bishop of—*see* Couper.
Galloway, Mr Patrick, 81.
Galloway, James, Lord Dunkeld, 81.
Gambling, novel mode of, 161.
George I., 132.
Gibson-Craig, Mr James, 158.
Gibson of Durie's 'Decisions,' 161.
Gilmour, Sir John (Lord President), 10.
Glammis Castle, 171.
Glammis, Master of, 25—tutor of, 148.
Glasgow, Archbishop of—*see* Spottiswood.
Glasgow Assembly, "Prelatic Acts" of the, 105.
Glasgow, Bishop of, 101, 105.
Glasgow, the "pest" in, 72.
"Glass-houses and stones," 55.
Glencairn and Eglinton, feud between the Earls of, 77, 80.
Glenorchy, Laird of, 104.
"God's grace and magistrates' diligence," 66.
Golf, "royal and ancient" game of, 188.
Goodwin, Rev. Dr, 91.
Gordon, George, 1st Duke of, 127, 166.
Gordon, Hon. General, 171.
Gordon, Lady Jean (wife of 4th Earl of Dunfermline), 127, 167.
Gordon, Lewis, 3d Marquis of Huntly, 167.
Gordon, Mr James, 199.
Gordon, William, 2d Earl of Aberdeen, 171.
Gordon of Buckie, 145.
Gordon—*see* Huntly.
Gordons of Fyvie, 171, 173.
Gowrie, 1st Earl of, 148—3d Earl of, 42-44.
Gowrie Conspiracy, 42-45, 192—anniversary of, 45, 79, 81.
Gowrie House, 45.
Graham, George (of Ross-shire), 112, 113.
Graham, Richard (Viscount Preston), 60.
Graham, Sir Robert-James-Stuart, 60.
Graham—*see* Montrose.
Grahame of Claverhouse, John, Viscount Dundee, 166, 167.
Gray, Master of, 80.
Great Seal, "poolke" for the, 106, 129—delivery of, 139, 140.
Gregor, suppression of the clan, 104.
Gregory XIII., Pope, 19.
Gregory's 'Highlands and Isles of Scotland,' 37, 112.
"Greysteel" (Alexander Seton, 6th Earl of Eglinton), 109, 110, 154—*see* Seton of Foulstruther.
Grimes, Mr (Richard Graham), 60.

Grose's 'Antiquities of Scotland,' 186.
"Gudeman of Ballangeich" (James V.), 5.
Guthry's 'Memoirs of Scottish Affairs,' 164.

"H" JEWEL, 159.
Haddington, Earl of — *see* Hamilton, Thomas.
Haddington, horse-race at, 98.
Haddington Presbytery records, 49.
Haig of Bemersyde, James, 117-119.
Haig, William, 117-119.
Haigs of Bemersyde, 93, 117, 119.
Hailes, Church of, 83.
Hailes, Lord, his 'Catalogue of the Lords of Session,' 16.
Haitley of Mellerstanes, 80.
Hall, Rev. John, 85.
Hamilton, Dr Archibald (Minister of Paisley), 129.
Hamilton, Claude, 143.
Hamilton, Lord Claude (Lord Paisley), 18.
Hamilton, Sir Claud, 108.
Hamilton, Isabel (wife of George, 7th Lord Seton), 16, 17—portrait of, 197.
Hamilton, John, Archbishop of St Andrews, 17.
Hamilton, Thomas (Lord Binning, Earl of Haddington, and Lord President), 27, 30, 31, 32, 52, 56, 62, 64, 67, 73, 78, 111, 116-118, 120, 121, 127, 128, 132, 135, 136, 138, 139, 144, 185.
Hamilton, William, 143.
Hamilton, Marquess of (King's Commissioner), 131, 132.
Hamilton of Sanquhar, Sir William, 16, 17.
Hamilton arms at Paisley, 18—at Fyvie, 174, 175.
Hamilton—*see* Abercorn.
Hanover, Ernest, Elector of, 132.
Hart, William, Justice-Depute, 73.
Hatfield MSS., 52, 57, 67.
Hay, Dame Margaret (3d wife of Chancellor Seton, afterwards Lady Almond and Calendar), 114, 131, 146, 147, 151-155, 161, 162, 197.
Hay, Hon. Elizabeth (wife of George, 6th Lord Seton), 154.
Hay, James, 7th Lord Yester, 131.
Hay, John, 8th Lord Yester (afterwards Earl of Tweeddale), 117, 119, 150, 154.
Hay, John, 1st Marquess of Tweeddale, 151, 154.
Hay, John, 4th Marquess of Tweeddale, 13.
Hay, Sir George (Lord Clerk Register, afterwards Earl of Kinnoull), 121, 149, 155.
Hay, Sir Walter, 143.
Hay of Drumelzier, Hon. William, 154.
Hay of Easter Kennet, Alexander, 57, 72, 75, 91, 104, 106.
Hay and Seton intermarriages, 153, 154.
"Hazard yet fordward," 178.
Henderson's 'Annals of Dunfermline,' 50.
Henri Quatre's estimate of James VI., 189.
Henry III. of France, 21.
Henry VIII., 159.
Henry, Prince, 189—birth of, 50—custody of, 51, 56—letter to, from his father, 51—death of, 105, 117.
Henryson, Sir Thomas (Lord Chesters), 139.
Hentzner's 'Journey into England,' 106.
Heraldry, Chancellor Seton's skill in, 169.
Herrick, lines by, 37.
Hewatt, Rev. Peter, 85.
Highlands, disturbances in the, 55 — peaceful condition of the, 80—malefactors in the, 91.
Historical MS. Commission, 167.
Holyrood, "public lesson" at, 20 — belting at, 46—Carey's ride to, 48—incised slabs, 69 — royal baptisms, 86, 87—Seton appointed custodier of, 101—king's house of, 107—homage of

the Archbishops at, 114—reparation of, 115—Geillis Duncane at, 191.
Home, Alexander, Lord, created Earl of Home, 66—volunteers to Spain, 67—James VI.'s visit to, 125.
Home, Earl of, 148.
Home of Eccles, 81.
Home—*see* Dunbar, Earl of.
Honours, dispute anent the, 26.
Hopes of Pinkie, 178.
Horning, 93.
Horse-racing in Scotland, 96.
Howard, Thomas, 1st Earl of Suffolk, 116.
Hume, Sir Alexander (Provost of Edinburgh), 30.
Hume's estimate of James VI., 192.
Hunter, Gilbert, Dingwall Pursuivant, 142.
Huntly, Earl of, 29, 30, 145.
Huntly, Marquess of, 67, 116.
Huntly and Argyle, reconciliation of, 46.
Huntly and Errol reconciled, 124.

IMAGES, idolatrous, 161.
Inglis of Rottenrow, Alexander ("servand" of Chancellor Seton), 158.
Innes of Leuchars, John, 126.
"*Intaminatis fulget honoribus*," 46.
Inveresk Church (St Michael's), 140.
Irving, Rev. Edward, 146.
Isles, son of the Bishop of the, 112, 113.
Isles, voyage to the (1596), 37.

JAMES, chap. i. ver. 6, 124.
James I. and II., their attempts to establish a supreme court, 1.
James IV., his court of daily council, 2—character and qualifications, 4—marriage to Mary Tudor, 47.
James V., Court of Session established by, 2—Act of Institution ratified by, 3—zeal for the administration of justice, 5—character and qualifications, 6—premature death, 7—his saying regarding judges' wives, 13.
James VI., Seton's "public lesson" at Holyrood, 19—letter appointing Seton an Ordinary Lord, 22—letter to, from minister of Kilconquhar, 31—procedure in case of Rev. Robert Bruce, 35, 36—letter to President Seton (voyage to the Isles), 37, 38—succession to the English throne, 39, 47, 179—proposed invasion of England, 42—connection with the Gowrie Conspiracy, 44, 45—coronation at Westminster, 50—surviving children of, 50—letter to Privy Council relative to the Union, 54—reply to "Steenie," 55—letters from Chancellor Seton to, 66, 69, 74, 79, 80, 82, 89, 91, 99, 104, 118, 124, 128—works composed by, 91—epigram by Chancellor Seton to, 91—pacification of the Borders, 92—affair of Sir Henry Yelverton, 94—proclamation relative to robes, 95—death of Prince Henry, 105—Earldom of Eglinton, 109—letter regarding the Scottish collieries, 114—visit to Scotland in 1617, 120 *et seq.*—returns to England, 124—his death, 135—loan to Thomas Foullis, 159—domestic architecture of his reign, 171—Henri Quatre's estimate of, 189—his mother's execution, 190—Scott's opinion of, 191—voyage from Copenhagen with his bride, 191—his scholarship, 192—Chancellor Seton his trusty counsellor, 193.
James VII., his proposed repeal of the penal laws, 16, 166, 167.
Jericho, Joshua's curse on, 71, 100.
Jewels of Chancellor Seton, inventory of, 158.
Johnston, Arthur, 150—his lines on Chancellor Seton, 182.
Johnstons and Maxwells, feud between the, 66.
'Journal of Jurisprudence,' 46, 78.
June and December alliances, 162.
Justice-Clerk, Lord, 12, 120.
Justice-General, office of, 11.

KEITH, Robert de, 170.
Kellie Castle, supposed portrait of Chancellor Seton at, 197.
Kellie, Earl of—*see* Erskine.
Kennedy of Culzean, Sir Thomas, 89, 90.
Kennedy of Barganie, Thomas, 90.
Kerr, Lady Margaret, 131.
Kerr, Andrew, Master of Jedburgh, 131.
Kerr, Mark, Lord Newbattle (afterwards Earl of Lothian), 35, 131.
Kerr, Sir Robert (Earl of Ancram), 151—letter from Chancellor Seton to, 129, 135, 139, 195.
Kerr, Sir Robert (Earl of Somerset), 116.
Kerr of Ferniherst, Sir Thomas, 116.
Kilconquhar, Minister of—*see* Rutherford, John.
Kilcreuch, Lord (Sir Alexander Seton), 16.
Killiecrankie, battle of, 166.
Kilmaurs, Lord, 109.
"King of the Commons" (James V.), 5.
Kingston's (Lord) 'Continuation of the History of the House of Seton,' 19, 20, 61, 152, 155, 162, 165.
Kirk and Crown, hostility between the, 30.
Kirkwall, capture of, 109.
Knox, John, 36—his second marriage, 162.

LAING, HENRY, 158—his 'Ancient Scottish Seals,' 21, 174.
"Lament" for Chancellor Seton, 147.
Lammie, Andrew, 173.
Lamont's 'Diary,' 147.
Langside, battle of, 177.
Lathrisk—*see* Seton.
Latin phrases in Seton's correspondence, 67.
Lauderdale, Duke of, 140, 150, 188.
Lauderdale, Viscount, 144.
Leicester, Prince Charles and Lord Fyvie at, 58-60.
Lennox, Earl of, 26, 47.
Lennox, Ludovick, Duke of, 145.
Lesley, Bishop, his 'History of Scotland,' 183—Chancellor Seton's lines to, 184.
Leslie buckles at Fyvie, 175.
Leslie, Grizel (second wife of Chancellor Seton), 71, 88, 151-154, 160, 175, 199.
Leslie, James, Master of Rothes, 151.
Leslie, John, 6th Earl of Rothes, 151.
Levinus, Consul, 129.
Library of Chancellor Seton, 160.
Lindsay, Bishop of Ross, 80.
Lindsay, David, Lord Balcarres, 188.
Lindsay, Sir David, his influence on James V., 6—his 'Complaynt to the King' quoted, 10.
Lindsay, Sir David (Lyon King, *nephew of the preceding*), 78.
Lindsay of Balcarres, Sir David, 143.
Lindsay, Sir James, 170.
Lindsay, John (Lord Menmuir), 25, 27, 32, 37, 38.
Lindsay, Secretary, 188.
Lindsay, William, 18th Earl of Crawford, 165.
Lindsay's (Lord) 'Lives of the Lindsays,' 25—'Memoir of Lady Anna Mackenzie,' 151, 187—on the culture of the Setons, 187.
"Lippen," an expressive word used by Chancellor Seton, 66, 194.
Livingstone, James, 1st Earl of Calendar, 152.
Livingstone, William (Lord Kilsyth), 98.
Logan of Restalrig, Robert, 44.
Lord Chancellor—*see* Chancellor.
Lord President—*see* President.
Lothian, Marquess of, 129.
Lothian—*see* Ancram, and Kerr.
Louis VII. of France, 129.
Loyalty of the Setons, 15, 46.
Lyon Register, 168.
Lyoun, Sir Thomas, 148.
Lyoun's 'Teares for the Earl of Dunfermline,' 147.

MACAULAY'S reference to 4th Earl of Dunfermline, 167.

M'Gillieworike, execution of, 113.
Mackenzie, Lady Anna, 151.
Mackenzie of Kintail, Kenneth, 125.
Mackenzie's 'Lives of Scottish Writers,' 186.
Mæcenases of Scotland, 3ᵍ, 40, 123.
"Magister," the term, 40.
"Magistrates' diligence and God's grace," 66.
Maidment, Mr James, 148, 195—his 'Nugæ Scoticæ,' 189.
Maitland, John, 1st Earl of Lauderdale, 150, 188.
Maitland, Chancellor (Lord Thirlstane), 27, 150, 188.
Maitland, Sir Richard, his 'History of the House of Seytoun,' 17.
Maitland Club 'Miscellany,' 96, 99.
Maitland's 'History of Edinburgh,' 31.
Makesone, Eliazer, Bute Pursuivant, 143.
Makgill of Rankeillor, James (Lord Clerk Register), 178.
Makgill, Sir James (Provost of Edinburgh), 178.
Makgill, Sir James (Viscount Oxfurd), 178.
Mar, Earl of, 30, 51, 56, 73, 124, 137, 144.
Mar, Countess of, 137.
Mar, Earldom of, 79.
Marcus Scaurus, 74, 75.
Margaret, Princess, baptism of, 86.
Marischal, George, Earl, 78.
Markets and fairs at Fyvie, 173.
Mary, Queen of Scots, 16, 17, 18, 21, 22, 27, 49, 64—Chancellor Seton's lines to, 185.
Mass, statute against the, 27.
Masson, Professor, 190, 192.
Matches, good, 157.
Maxims at Pinkie, 176.
Maxwell of Herries, John, Lord, 107.
Maxwells and Johnstons, feud between the, 66.
Medal commemorative of 7th Lord Seton's marriage, 18.
Medallion of Charles, 2d Earl of Dunfermline, 168, 197.
Medina, Sir John, 196.
Meikle, Robert, his monument at Dalgety, 166.
Meldrum of Segie, James, 22.
"Meldrum Tower," Fyvie, 171.
Meldrums of Fyvie, 170.
Melfort, Earl of, 166.
Melros, Earl of—*see* Hamilton, Thomas.
Melville, Andrew, 36.
Melville, Sir Robert (Lord Melville), 101.
Melville's (Mr James) 'Diary,' 28, 76.
Menmuir, Lord—*see* Lindsay, John.
Menteith of Closeburn, Sir James Stuart, 98.
Menzies of Carlops, John, 142.
Meteorological epistle, 108.
Methven, battle of, 15.
Milan, College of, 144.
"Mill o' Tiftie's Annie," 173.
Milwaird, Rev. Dr, 91.
Moir, Dr ("Delta"), 140.
Monteith, Earl of, 144.
Monteith of Kerse, 97, 98, 143.
Montgomerie, Lady Margaret (1st Countess of Winton), 109.
Montrose, Earl of (Chancellor), 63, 73.
Montrose, Earl and Marquess of, 43.
Montrose, Marquess of, at Fyvie, 173.
Montsabert, Chateau de, 171.
Moray of Abercairney, Susan, daughter of James, 168.
Moray, Bonnie Earl of, 21, 145.
More, Sir Antonio, 16, 196, 197.
Morton, Earl of, 26, 98, 144—*see* Douglas.
Morton, Regent, 69.
Murder Hole, Fyvie, 171.
Mure of Auchindrane, John, 90.
Mure of Auchindrane, James, yr., 90.
Murray, Earl of, 145.
Murray—*see* Moray.
Murray, John (Viscount Annand and Earl of Annandale), 100, 106, 107, 137—his correspondence with Seton, 106 *et seq.*

Murray of Cockpool, Sir Charles, 106.
Murray, Sir Gideon, 102.
Musselburgh, 141—old bridge of, 169—Chancellor Seton's interest in, 188.
Myln, Alexander (1st Lord President), 14.

Napier of Merchiston, John ("Old Log"), 121.
"Napier's bones," 122.
Newbattle, Mark, Abbot of, 25.
Nicolson's (Bishop) 'Scottish Historical Library,' 27.
Niddry Castle, 79.
Nisbet, Lieutenant John, 167.
Nisbet's 'System of Heraldry,' 46.
Northumberland, Earl of, 192.
"Notably," peculiar use of the word, 40.
Numa, king and priest, 132.

Octavians, the, 27, 28, 30, 31.
Ogilvie of Banff, 143.
Ogilvie of Carnowties, 143.
'Old Mortality,' character in, 115.
Oliphant, King's Advocate, 121.
Orange, Prince of, 166.
Ordinary Lords of Session, 9, 12.
Orkney, capture of pirates in, 99—disturbance in, 109.
Orkney, Patrick, Earl of, 109.
"Orpheus" jewel, 159.
Osuna, Duke of, 64, 65.
Overbury, Sir Thomas, 116.

Paisley Abbey (Chapel of St Mirrinus), 18.
Paisley, horse-races at, 98.
Palatinate, defence of the, 128, 132.
Papal See, its influence on the constitution of the Court of Session, 4.
Paris Parliament, its influence on the constitution of the Court of Session, 4.
Parliament House window (institution of Court of Session), 2.
Parron, Cardinal, 192.
Paterson's 'History of Musselburgh,' 188.
Peace on the Scottish Border, 46.
"Pece" of Spanish wine, 86.
Peerage, first Scottish patent of, 45.
Pennant's description of Gowrie House, 45.
Perth or St Johnstown, 42, 74, 79—the "pest" in, 72.
Perth, Earl of, 66, 144—his estimate of Chancellor Seton, 182—*see* Drummond.
"Pest," the, in Edinburgh, etc., 70, 72.
Petit's 'Castles of the Loire,' 171.
Philip II. of Spain, 18.
Philipps, Mr John, 147.
Pinkerton on James V., 5.
Pinkie House, 170—inscriptions, devices, and painted gallery at, 176, 177—alterations at, 157—library and wardrobe at, 158—Chancellor Seton's death at, 135, 141.
Pirates captured in Orkney, 99.
Pitcairn's 'Criminal Trials,' 78, 90, 109, 191.
Pitcur, Laird of, 166.
Pitferran, Laird of, 76.
Pitmedden—*see* Seton of Pitmedden.
Pitmedden's MS., 23.
Pitscottie on James V., 5.
Pittarro, Laird of—*see* Edzell.
Plague in Scotland, the, 71—*see* "Pest."
Plate of Chancellor Seton, inventory of, 158.
Pluscarden, lands of, 18, 22, 125.
Pluscarden, Prior of (Seton's title as an Extraordinary Lord), 21, 23.
Pont, Robert, his 'Newe Treatise' dedicated to Lord Fyvie, 39, 182.
Pont, Timothy (minister of Dunnet), 39.
Popish Lords, 28, 29.
Portugal and Castille, 64, 65.
"Pourtrait of True Loyalty," 166.
'Prælium Gilliecrankianum,' 167.
Precedency of Scottish peers, 78.

President, Lord, at first an ecclesiastic, 9 — alteration in his mode of election, 10—precedency, 11—salary and town residence, 11—robes, 95.
Presidents, list of the Lord, 201.
Preston of Fentonbarns, John (Lord President), 64.
"Preston Tower," Fyvie, 170.
Prestons of Fyvie, 170.
Prestonpans, battle of, 177.
Priority—*see* Precedency.
Privy Council of Scotland, proceedings of the, 112, 133—letter from, announcing Chancellor Seton's death, 137—Register of the, 190-192.
Puritans, the, 68.

QUARTERS, heraldic, mode of reckoning, 107.
Quintus Varius, 74, 75.

'RABDOLOGIÆ' of Napier, dedicated to Chancellor Seton, 122.
Race-bell, Dunfermline, 96.
Rait of Edmonstone, James (servitor and secretary to Chancellor Seton), 115, 143, 158.
Rait, Anna, 143.
Ranfurley, Laird of (Knox), 113.
Ranking, Decreet of, 78.
'Redgauntlet' referred to, 13.
"Red" Parliament, 79.
Reid, Robert (Lord President), 14.
"Reverend," peculiar application of the term, 40.
Riddell's 'Peerage and Consistorial Law,' 111, 188.
Rigg, William (burgess of Edinburgh), 127.
Ritson's 'North Country Chorister,' 54.
Robert III., 170.
Robes of Chancellor, Judges, etc., proclamation anent, 95.
Roman republic, 74.
Rome, Jesuits' College at, 19.
Rothes, Earl of, 144—Chancellor, 189—*see* Leslie.
Roxburgh, Lady (sister-in-law of Chancellor Seton), 107.
Ruby ring gifted by Queen Mary, 17.
Ruddiman's criticism on Buchanan's estimate of the Court of Session, 4.
Russell's 'Haigs of Bemersyde,' 93, 119.
Rutherford, John (minister of Kilconquhar), his extraordinary letter to James VI., 31-34.
Ruthven, Alexander, Master of, 44.
Ruthven, Dame Beatrix, 148.
Ruthven, House of, 43.
Ruthvens, dominance of the, 190.

SALISBURY, Earl of—*see* Cecil, Robert.
Salisbury, Marquess of, 52.
Saltoun, John, Lord, 145.
Sanquhar, Lord, 109.
Sanquhar, Robert, 6th Lord, 115.
Sanquhar, William, 7th Lord (afterwards Earl of Dumfries), 115.
Sapphire ring (token of James VI.), 48.
Schaw, Sir John, 106.
Schaw, William, Master of Works to James VI., 187.
Scone, Lord, 81, 102.
"Scot, the Bonny," 54.
Scotland, "grandchildren" of, 132—the last king of, 49.
Scotstarvet quoted or referred to, 19, 63, 100, 119, 161, 162.
Scott, Sir Walter, his estimate of James VI., 191, 192—novels referred to, 12, 13, 192—his "Auchindrane Tragedy," 89.
Scott's 'Fasti Ecclesiæ Scoticanæ,' 34, 49, 103.
Scroope, Lady, 48.
Seal—*see* Great Seal.
Sederunt, Books of, 23, 25, 26—Acts of, 7, 61.
Selden's 'Table Talk,' 13.
Session—*see* Court.
Sessions and vacations, 9.

Seton, Alexander, 1st Earl of Dunfermline, election to office of Lord President, 10, 15, 25—date of his birth, 17—Queen Mary's "godbairne gift," 18—oration at Rome, 19—skill in architecture and heraldry, 19—classical scholarship, 19—said to have taken holy orders, 19—residence in Italy and France, 19—call to the Bar, 20—accompanies his father to France, 21—admitted an Extraordinary Lord, 21—appointed an Ordinary Lord, 22—supposed Popish tendencies, 23, 32-33, 40, 182—designations in Books of Sederunt, 23-24, 26—leave of absence from the Court, 25—a substitute for Chancellor Maitland, 27—one of the Octavians, 27—harangue at the Falkland Convention, 28—case of Mr David Black, 29—summoned before Synod of Lothian, 29—scene at the Tolbooth, 30—Lord Provost of Edinburgh, 31—"shaveling and priest," 32-33—dignified conduct in the case of the Rev. Robert Bruce, 35-36, 180, 182—letter from James VI. (voyage to the Isles), 37, 38—letter to Secretary Lindsay, 38—correspondence with James VI., 38, 52 *et seq.*—dedication of Pont's 'Newe Treatise,' 39—opposes proposed invasion of England, 42, 180—custody of Prince Charles, 51—correspondence with Sir Robert Cecil, 52 *et seq.*—appeal on behalf of the College of Justice, 56—appointed Vice-Chancellor, 57—visit to Leicester, 58-60—appointed Chancellor, 63—his successor as President, 64—returns from England, 64—his different signatures, 66—created Earl of Dunfermline, 66—domestic affliction caused by the plague, 71—letter to Chancellor Ellesmere, 71—case of Mr John Forbes, 73-77—escapade of his nephews in Perth, 77-78—one of the Commissioners in connection with the "Decreet of Ranking," 78—services of himself and "forbears," 81—preceptory of St Anthony, 83—elected Provost of Edinburgh, 84—supplied with wine and torches by the Council, 85-89—"Auchindrane Tragedy," 89-90—his estimate of the Celt, 91—pacification of the Borders, 92—affair of Sir Henry Yelverton, 94—patronage of the turf, 96—capture of pirates in Orkney, 99—at English Court, 100, 101, 105, 115—Sir Robert Melville's favourable opinion of, 101—appointed custodier of Holyrood, and Bailie and Constable of Dunfermline, 101, 102—crucifix scandal in 1612, 102—suppression of Clan Gregor, 104—appointed King's Commissioner, 104—application for "poolke" for Great Seal, 106—correspondence with John Murray, 106 *et seq.*, 113, 129—"Besines of Eglintoun," 109, 110—letters to Lord Binning, 111—affair of the Clandonald, 112—Lord Sanquhar's high estimate of, 115—episode in family of Haig of Bemersyde, 117—speeches by, 28, 121, 124, 128, 131, 132—Napier's dedication to, 122—residence in Elgin, 125—Provost of Elgin, 126—delation of Mr Robert Bruce, 128—letter to Sir Robert Kerr, 129-131—approval of the "Five Articles," 133—illness and death of, 135-137—testimony to his capacity, 139, 140—burial at Dalgety, 141-144—his Fifeshire estate, 144—arms of, 146—disinterment of, in 1822, 147—Lyoun's Lament for, 147—his official successor, 149—marriages and descendants, 150-153—testament and inventory, 155—provision for his unmarried daughters, 157—his jewels, plate, books, etc., 158-160—his widow, Dame Margaret Hay, 161—skill in architecture and heraldry, 169—builder of Pinkie and Fyvie, 170, 171—numerous offices and honours, 180—praised by both Spottiswood and Calderwood, 181—epigrams

composed by, 183 *et seq.*—beneficial influence on his connections, 188—addiction to games and manly exercises, 188—faithful discharge of public duty, 189—the trusty counsellor of James VI., 193—character of his correspondence, 193—specimens of puzzling passages, 194—portraits of, at Yester, 196—summary of his character and qualifications, 197—suggested memorial of, 198.

Seton, Charles, 2d Earl of Dunfermline, 16, 147, 152, 153, 155-157—death of his wife, 147—lawsuits with his mother, 161—active share in public affairs, 162—sympathy with the Covenanters, 163, 164—appointed an Extraordinary Lord of Session, 163—kindness to Mr Andrew Donaldson, 163 — in Holland with Charles II., 163—acknowledgment of his public services, 164—Bishop Guthry's statement regarding him, 164—his medallion in British Museum, 168, 197—his portrait at Yester, 197.

—— Alexander, 3d Earl of Dunfermline, 147, 165.

—— James, 4th Earl of Dunfermline, 126, 165-168—with Dundee at Killiecrankie, 166 — forfeiture and death, 167—external appearance, 168.

—— Sir Alexander (6th Earl of Eglinton)—*see* Seton of Foulstruther.

—— Alexander, 1st Viscount Kingston, 154—*see* Kingston.

—— Charles, Lord Fyvie (son of 1st Earl of Dunfermline), 151—(son of 2d Earl), 165.

—— David, of Tranent, 191.

—— George, 6th Lord, 15, 17, 98, 154.

—— George, 7th Lord, 16, 17, 21, 49, 84, 98, 154, 177, 196.

—— George, Master of, 18.

—— George, 3d Earl of Winton (nephew of the Chancellor), 133, 138-140, 142, 143, 155-157, 169—visited by James VI., 123, 125.

Seton, George, 4th Earl of Winton, 150.

—— Henry, 144.

—— James (Cariston), 144.

—— Colonel James, Governor of St Vincent, 168.

—— Lieut.-Colonel James, 168.

—— John (brother of Earl of Winton), 143.

—— Robert, 144.

—— Robert, 8th Lord (afterwards 1st Earl of Winton), 18, 45, 115, 150, 153, 191—his funeral procession, 48—his presbyterial visitation, 49.

—— Thomas (brother of Earl of Winton), 143.

—— William (Professor at Angiers), 16.

—— William, his 'Life of Chancellor Seton,' 183.

—— William (younger of Kyllismore), 143.

—— Lady Anne (Viscountess Fentoun), 150, 152.

—— Lady Grizel (daughter of the Chancellor), 152, 153, 155, 157.

—— Lady Isabel (Countess of Perth, and niece of Chancellor Seton, 115, 150.

—— Lady Isabel (Countess of Lauderdale), 150.

—— Lady Jean (Countess of Tweeddale), 151, 155, 157—portrait of, 197.

—— Lady Lilias (daughter of the Chancellor), 87, 151.

—— Lady Margaret (daughter of the Chancellor, and Lady Paisley), 18, 24, 151, 152.

—— Lady Margaret (Countess of Seaforth), 151, 153.

—— Lady Mary (daughter of Chancellor Seton), 152.

—— Lady Sophia (Lady Lindsay of Balcarres), 151.

—— of Abercorn, Sir Bruce-Maxwell, 16.

—— of Barns, 168—Sir John, 16, 18, 71, 190—Sir James (John ?), 143.

—— of Barra, George, 144.

—— of Cariston, John (George ?), 142.

Seton of Falsyde, James, 144.
—— of Foulstruther, Sir Alexander (afterwards 6th Earl of Eglinton, and nephew of the Chancellor), 77, 109, 110, 133, 144, 154, 156.
—— of Gargunnock, Sir Alexander (Lord Kilcreuch), 16, 142.
—— of Kyllismore, Sir William, 18, 143, 156, 157.
—— of Lathrisk, Alexander, 142—Capt. Patrick, 127—John, 127.
—— of Meldrum, Walter, 142.
—— of Menies, 144.
—— of Pitmedden, Sir Alexander (Lord Pitmedden), 16, 23—Sir James-Lumsden, 16.
—— of Schethim, 144.
—— of Touch, James, 142.
—— of Udny, William, 142.
—— and Hay intermarriages, 153, 154.
—— arms, 18—at Fyvie and Pinkie, 174, 177—at Fyvie Church, 175.
—— and Buchan arms quarterly, 126.
—— Church, 169—epitaph at, by Chancellor Seton, 186—James VI. at, 123.
—— crest, 135, 159.
—— family of, 49 (*see* Tabular Pedigree opposite p. 155).
—— House of, 15—its judicial members, 16.
—— Palace of, 48, 84, 123, 162, 169, 177.
Seton-thorn, 101.
"Seton Tower," Fyvie, 170, 174.
Setons, culture of the, 187.
Seton's 'Scottish Heraldry,' 107.
Sharp, Archbishop, 163.
Simon, Thomas, his work on "Medals and Coins," 197.
Sinclair, Henry (Lord President), 14.
Sinclair, John, (Lord President), 14.
Sinclair's 'Satan's Invisible World,' 150.
Sitonis de Scotia, Joannes, 144.
Skelmorlie, Laird of, 108.
Skene, Sir James (Lord President), 185.
Skene of Curriehill, Sir John (Lord Clerk Register), 27, 78—Chancellor Seton's epigram to, 185.
Skipwith, Sir William, 59, 60.
Somerset, Earl of, 110—*see* Kerr, Sir Robert.
Somerville, Hugh, 5th Lord, 106.
Sophia, Princess, 132.
Spain, Scottish volunteers to, 67.
Spalding Club 'Miscellany,' 175, 183.
Spanish vessel at Burntisland, 111.
Spedding's 'Letters and Life of Francis Bacon, 62, 193—estimate of James VI., 193.
Spiritual Estate, Lords of the, 25.
Spottiswood, Sir Robert (Lord President), 16.
Spottiswood, John, Archbishop of Glasgow and St Andrews, 73, 103, 105, 109, 114, 121, 131, 144, 149, 183—his 'History of the Church of Scotland,' 19, 76, 181, 183—estimate of Chancellor Seton, 181.
Statistical account of Scotland, new, 140, 173—old, 144.
Stature of the Setons, 147.
"Steenie" and James VI., 55.
Stepney, family of, 43.
Stevenson's 'Men and Books,' 162.
Stewart, Capt. James (Earl of Arran), 69.
Stewart, Francis (titular Earl of Bothwell), 115.
Stewart, Walter (Prior of Blantyre), 27.
Stirling, the plague at, 71, 72.
Street broils in Edinburgh, etc., 69, 77.
Struthers, Rev. Dr (minister of Prestonpans), 141.
Stuart, Arabella, 47, 94.
St Andrews, Archb. of—*see* Spottiswood.
St Anthony, preceptory of, 83.
St Brigid, 146.
St George, Order of, 159.
St Germains, 4th Earl of Dunfermline at, 167.
St Giles' Cathedral, 30, 198.
St Johnstown—*see* Perth.
St Thomas, Arbroath, monks of, 170.

Succession to English crown, 47.
Sutherland, Earl of, 152.
Suttie of Balgone, Anne, daughter of Sir George, 168.

"Tam o' the Cowgate," 64—*see* Hamilton, Thomas.
Tapestry of Chancellor Seton, 160.
Temporal estate, Lords of the, 25.
Territorial titles of Scottish Judges, 13.
Thirlstane, Lord—*see* Maitland.
Tiberius, Emperor, 129.
Time, alteration in the mode of computing, 41.
Titus, Emperor, 129.
Tolbooth, the Edinburgh, 30, 117.
Toome, Castle of, 108.
Torches provided for Seton as Provost of Edinburgh, 87.
Touch—*see* Seton of Touch.
Towie, Laird of, 143.
'Tranent, Sketches of,' 191.
Trevanion, Elizabeth, daughter of Sir Hugh, 200.
"Triplici nodo, triplex cuneus," 91.
Tweeddale family, owners of Pinkie, 178.
Tweeddale, Marquess of, 197—*see* Hay.
Tudor, Mary, 47.
Turf, Chancellor Seton's patronage of the, 96, 188.
Turner, assassination of John, 115.
Tytler's 'History of Scotland' quoted, 10, 35, 48—his estimate of Chancellor Seton, 182.

"Una cum," 62.
"Ung Dieu, ung loy," etc., 18.
Union of the Crowns, 53, 55, 179.
Union, prejudice against the, 54—question of the, 58, 62, 63.
Urquhart Brig, 98—lands of, 22.
Urquhart, Lord (Seton's title as an Ordinary Lord), 22—perhaps also a title of peerage, 24.
Urquhart, Sir Thomas, 143.

Vacations and sessions, 9, 85.
Vandyke, Sir Anthony, 43, 197.
Vengeance, Divine, 70.
Virgin Mary, portrait of, 159.
"Virgin Queen"—*see* Elizabeth, Queen.

Wallace, Robt. (minr. of Tranent), 49.
Watson, Mr William (minister at Burntisland), 111.
Wauchope, John, 143.
Weather of 1614 and 1881, 108.
Weldon's estimate of James VI., 192.
Westminster, coronation of James VI., 50.
Whitgift, Archbishop of Canterbury, 50.
Wigton, William, 5th Earl of, 165.
Windram, Robert, Albany Herald, 143.
Wine supplied to Seton as Provost of Edinburgh, 85-9.
Winton, Master of, 77.
Winton—*see* Seton, and Montgomerie.
Winton House, 169.
Witchcraft in the 17th century, 191.
Wives of Scottish judges, 13.
Wodrow quoted or referred to, 16, 37.
"Wyne and spicerie" at Aberdeen, 175.

Years, Pont on the right reckoning of, 38—change in mode of reckoning, 41.
Yelverton, Sir Henry, 94.
Yester, Lord, 145—3d to 8th Lords, 154—*see* Hay.
Yester, portraits at, 161, 168, 196, 197.
York, Duke of—*see* Charles, Prince.
Young's 'Annals of Elgin,' 125.
Young of Seton, Peter, 27, 190.
Ythan river, 170.

Zuccaro, F., 196, 197.

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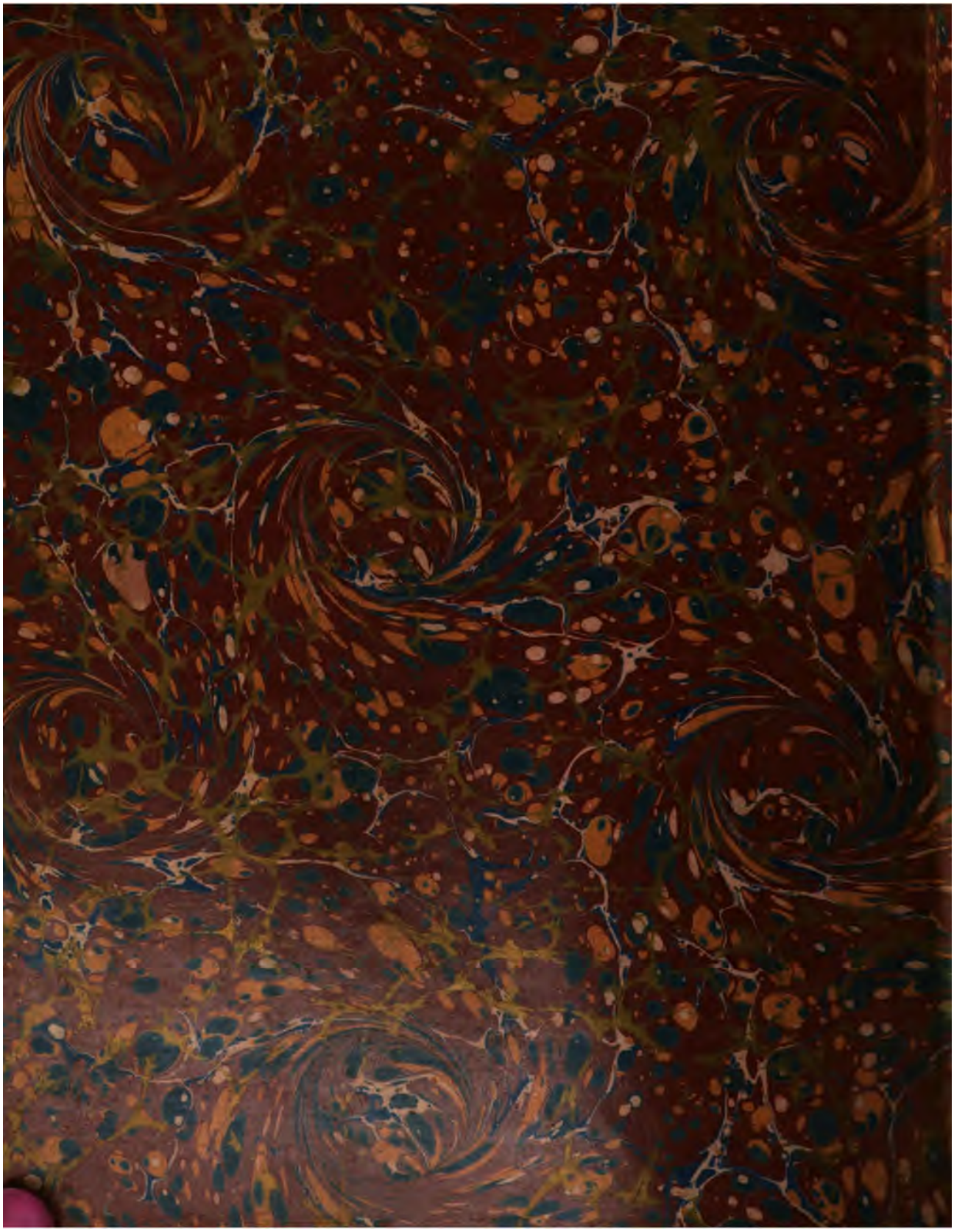

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